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CALIFORNIA BUILDING STANDARDS COMMISSION

CALIFORNIA 2025 ADMINISTRATIVE CODE

CALIFORNIA CODE OF REGULATIONS | TITLE 24 PART 1

INTERNATIONAL CODE COUNCIL®

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CALIFORNIA BUILDING STANDARDS COMMISSION

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CALIFORNIA 2025 ADMINISTRATIVE CODE

CALIFORNIA CODE OF REGULATIONS ▯ TITLE 24 PART 1

See the History Note Appendices for effective dates.

For Errata and Supplement effective dates see the History Note Appendix

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PREFACE

This document is Part 1 of thirteen parts of the official triennial compilation and publication of the adoptions, amendments and repeal of administrative regulations to *California Code of Regulations, Title 24,* also referred to as the *California Building Standards Code.* This part is known as the *California Administrative Code.*

The *California Building Standards Code* is published in its entirety every three years by order of the California legislature, with supplements published in intervening years. The California legislature delegated authority to various state agencies, boards, commissions and departments to create building regulations to implement the State's statutes. These building regulations, or standards, have the same force of law, and take effect 180 days after their publication unless otherwise stipulated. The *California Building Standards Code* applies to occupancies in the State of California as annotated.

A city, county, or city and county may establish more restrictive building standards reasonably necessary because of local climatic, geological or topographical conditions. Findings of the local condition(s) and the adopted local building standard(s) must generally be filed with the California Building Standards Commission (or other filing if indicated) to become effective, and may not be effective sooner than the effective date of this edition of the *California Building Standards Code*. Local building standards that were adopted and applicable to previous editions of the *California Building Standards Code* do not apply to this edition without appropriate adoption and the required filing.

Should you find publication (e.g., typographical) errors or inconsistencies in this code or wish to offer comments toward improving its format, please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833-2936

Phone: (916) 263-0916
Email: cbsc@dgs.ca.gov

Web page: www.dgs.ca.gov/bsc

ACKNOWLEDGMENTS

The 2025 *California Building Standards Code* (Code) was developed through the outstanding collaborative efforts of the Department of Housing and Community Development, Division of the State Architect, Office of the State Fire Marshal, Department of Health Care Access and Information, California Energy Commission, California Department of Public Health, California State Lands Commission, Board of State and Community Corrections, Department of Water Resources, State Historical Building Safety Board, Department of Consumer Affairs, State Librarian, Department of Food and Agriculture, and the California Building Standards Commission (Commission).

This collaborative effort included the assistance of the Commission's Code Advisory Committees and many other volunteers who worked tirelessly to assist the Commission in the production of this Code.

Governor Gavin Newsom

Members of the California Building Standards Commission

Secretary Amy Tong – Chair
Rajesh Patel – Vice-Chair

Erick Mikiten
Aaron Stockwell
Peter Santillan
Laura Rambin
Frank Ramirez
Elley Klausbruckner
Juvilyn Alegre
Kent Sasaki
James Haskin

Stoyan Bumbalov – Executive Director
Kevin Day – Deputy Executive Director

For questions on California state agency amendments, please refer to the contact list on page v.

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CALIFORNIA CODE OF REGULATIONS, TITLE 24

California State Agency Contact List

The following state agencies may propose building standards for buildings, structures and applications under their authority for publication in Title 24. Notice of such proposals may be requested from each agency. See Sections 1.2 through 1.14 of the California Building Code (Part 2, T24) for detailed information on the regulatory authority of most state agencies summarized below. Note [agency acronyms] shown in banners/Matrix Adoption Tables in T24.

Board of State and Community Corrections [BSCC]

bscc.ca.gov — BSCC-Mail@bscc.ca.gov
(916) 445-5073 — *Local Detention Facilities*

Building Standards Commission [BSC, BSC-CG]

dgs.ca.gov/BSC — cbsc@dgs.ca.gov
(916) 263-0916 — *State Buildings including UC & CSU Nonresidential Green Buildings Standards*

Department of Consumer Affairs Boards/Bureaus:

Acupuncture Board [CA]
acupuncture.ca.gov — AcuPolicy@dca.ca.gov
(916) 515-5200 — *Acupuncture Offices*

Board of Pharmacy [CA]
pharmacy.ca.gov
(916) 518-3100 — *Pharmacies*

Board of Barbering and Cosmetology [CA]
barbercosmo.ca.gov — barbercosmo@dca.ca.gov
(916) 574-7570 — *Barber, Cosmetology & Electrolysis Establishments*

Bureau of Household Goods and Services [CA]
bhgs.dca.ca.gov
(916) 999-2041 — *Insulation Testing*

Structural Pest Control Board [CA]
pestboard.ca.gov — pestboard@dca.ca.gov
(800) 737-8188 — *Structural Pest Control Locations*

Veterinary Medical Board [CA]
vmb.ca.gov — vmb@dca.ca.gov
(916) 515-5220 — *Veterinary Facilities*

Department of Food and Agriculture [AGR]

cdfa.ca.gov
(916) 900-5004 — *Rendering & Collection Centers*
(916) 900-5064 — *Meat & Poultry Packing Plants*
(916) 900-5008 — *Milk & Dairy Food Safety*

Department of Health Care Access and Information

Office of Statewide Hospital Planning and Development [OSHPD 1, 1R, 2, 3, 4, 5, 6]
hcai.ca.gov — regsunit@hcai.ca.gov
(916) 440-8300 — *Hospital Standards, Skilled Nursing Facility Standards & Clinic Standards*

Department of Public Health [DPH]

cdph.ca.gov (Recreational Health)
(916) 449-5661 — *Food Establishments, Organized Camps, Public Swimming Pools*

Department of Housing and Community Development

[HCD 1, 2, 1-AC]
hcd.ca.gov — Title24@hcd.ca.gov
(800) 952-8356
Option 5 > Option 2 — *State Housing Law: including Housing Accessibility, Hotels/Motels, Apartments/Condominiums, Dormitories, Single-Family Dwellings, ADUs, Permanent Structures in Mobile Home Parks*
Option 5 > Option 4 — *Factory-Built Housing*
Option 5 > Option 5 — *Employee Housing*

Department of Water Resources [DWR]

water.ca.gov — DWRwebcomment@water.ca.gov
(916) 653-5791 — *Plumbing for Recycled Water, Floodplain Construction*

Division of the State Architect

dgs.ca.gov/DSA
(916) 445-8100

Access Compliance [DSA-AC]
(916) 445-5827 — DSAaccess@dgs.ca.gov
Access for Persons with Disabilities

Structural Safety [DSA-SS, DSA-SS/CC]
Public Schools & Community Colleges, State Essential Services Buildings

State Historical Building Safety Board [SHBSB]
(916) 445-7627 — shbsb@dgs.ca.gov
Historical Building Rehabilitation, Preservation, Restoration or Relocation

Energy Commission [CEC]

energy.ca.gov — Title24@energy.ca.gov
(800) 772-3300 — *Building Energy Efficiency, Compliance Manual & Compliance Forms*

Office of the State Fire Marshal [SFM]

osfm.fire.ca.gov — codedevelopment@fire.ca.gov
(916) 568-3800 — *Fire & Life Safety*

State Lands Commission [SLC]

slc.ca.gov — MOTEMS.Public@slc.ca.gov
(510) 741-4950 — *Marine Oil Terminals*

State Librarian [SL]

library.ca.gov — csllaw@library.ca.gov
(916) 323-9843 — *Public Library Construction & Renovation*

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HOW TO DETERMINE WHERE CHANGES HAVE BEEN MADE

Symbols in the margins indicate where changes have been made or language has been deleted.

|| This symbol indicates that a change has been made.

> This symbol indicates deletion of language.

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CHAPTER

1

ADMINISTRATIVE REGULATIONS OF THE CALIFORNIA BUILDING STANDARDS COMMISSION

ARTICLE 1—GENERAL

1-101. Abbreviations. The following abbreviations shall apply to Title 24, California Code of Regulations. Abbreviations may also be provided in each of the other 12 parts of Title 24. If an abbreviation in this section conflicts with an abbreviation within another part of Title 24, the abbreviation reference in the other part shall prevail within that part.

Note: For information regarding the code provisions adopted for a state agency and the application of such code provisions, see the agency administrative chapters in the appropriate parts of Title 24, *California Code of Regulations.*

AGR Department of Food and Agriculture

BSC Identifies code provisions by the Building Standards Commission

BSC-CG Identifies the California Green Building Standards Code (CALGreen) provisions by BSC

BSCC Identifies code provisions by the Board of State and Community Corrections

CA Department of Consumer Affairs

CALGreen California Green Building Standards Code (CALGreen), Part 11 of Title 24

CBC *California Building Code* (Part 2 of Title 24)

CCR California Code of Regulations

CEBC *California Existing Building Code* (Part 10 of Title 24)

CEC *California Electrical Code* (Part 3 of Title 24)

CEC *California Energy Code* (Part 6 of Title 24)

CEC *California Energy Commission*

CFC *California Fire Code*

CHBC *California Historical Building Code* (Part 8 of Title 24)

CMC *California Mechanical Code* (Part 4 of Title 24)

CPC *California Plumbing Code* (Part 5 of Title 24)

CRC *California Residential Code* (Part 2.5 of Title 24)

CRSC *California Referenced Standards Code* (Part 12 of Title 24)

DPH Identifies code provisions by the Department of Public Health

DWR Identifies code provisions by the Department of Water Resources

DSA Division of the State Architect, a division within the Department of General Services

DSA-SS Identifies code provisions by the Division of the State Architect-Structural Safety

DSA-SS/CC Identifies provisions by the Division of the State Architect-Structural Safety, applicable to Community Colleges as specified

DSA-AC Identifies code provisions by the Division of the State Architect-Access Compliance

DOE Department of Education

DOT Department of Transportation

HCAI Department of Health Care Access and Information

HCD Housing and Community Development

HCD 1 Identifies code provisions by HCD

HCD 2 Identifies code provisions by HCD

HCD 1AC Identifies Housing Accessibility code provisions by HCD

IBC *International Building Code®*

IFC *International Fire Code®*

IEBC *International Existing Building Code®*

IRC *International Residential Code®*

NEC *National Electrical Code®*

NFPA National Fire Protection Association

OHP Office of Historical Preservation

OSHPD Office of Statewide Hospital Planning and Development within the HCAI

OSHPD 1 and 1R Identifies code provisions by OSHPD

OSHPD 2 Identifies code provisions by OSHPD

OSHPD 3 Identifies code provisions by OSHPD

OSHPD 4 Identifies code provisions by OSHPD

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OSHPD 5 Identifies code provisions by OSHPD

SFM Identifies code provisions by the Office of the State Fire Marshal

SHBSB Identifies code provisions by the State Historical Building Safety Board

SL Identifies code provisions by the State Librarian

SLC Identifies code provisions by the State Lands Commission

UBC™ *Uniform Building Code*; the UBC is no longer published or adopted in the current edition of Title 24

UBC STDS *Uniform Building Code Standards*; the UBC STDS is no longer published, but relevant standards are referenced in the CEBC

UFC *Uniform Fire Code;* the UFC is no longer published or adopted in the current edition of Title 24

UHC *Uniform Housing Code*; adopted by HCD in Chapter 1 of Title 25

UMC *Uniform Mechanical Code®*

UPC *Uniform Plumbing Code®*

Authority: Government Code Section 11000, and Health and Safety Code Sections 18931 (f) and 18940.5.

Reference: Government Code Section 11000, and Health and Safety Code Sections 18931 (d) and 18940.5.

1-103. Definitions. The following definitions shall apply to this Chapter 1, of Part 1, of Title 24, California Code of Regulations. Definitions may also be provided in each of the other 12 parts of Title 24. If a definition in this section conflicts with a definition within another part of Title 24, the definition reference in the other part shall prevail within that part.

ADOPTING AGENCY (or state adopting agency). An agency of state government with authority in law to develop and adopt building standards for approval and publication in Title 24, California Code of Regulations, by the Commission. An adopting agency has authority to conduct public hearings aside from the public hearings conducted by the Commission. See Proposing Agency.

APPEAL. An appeal to the Commission, as provided and limited by Health and Safety Code Sections 18945 through 18949, by any person adversely affected by the application of an existing building standard or administrative regulation in Title 24, by a state agency or local agency.

BUILDING STANDARDS ADMINISTRATION SPECIAL REVOLVING FUND (the Fund). The Fund established in the State Treasury to receive funds submitted by the Commission pursuant to the provisions of Health and Safety Code Section 18931.6 and Article 5.

CALGreen. The California Green Building Standards in Part 11 of Title 24, California Code of Regulations.

CODE ADVISORY COMMITTEE. An advisory panel or body appointed to advise the Commission with respect to building standards as authorized by Health and Safety Code Section 18927.

CODE CHANGE (proposed provision). A proposed addition, amendment, repeal or adoption of a building standard as defined by Health and Safety Code Section 18909, or of an administrative regulation of Title 24.

CODE CHANGE SUBMITTAL (rulemaking file). The rulemaking file submitted by a state proposing agency, which includes the proposed code change(s) or provision(s) for Title 24, along with justification and all other required documents, submitted to the Commission by a proposing agency.

COMMISSION. The California Building Standards Commission established under Health and Safety Code, Division 13, Part 2.5, commencing with Section 18901.

DEPARTMENT. The Department of Housing and Community Development.

ENFORCING AGENCY (or Enforcement Agency). An agency, board, commission, department, division, office or individual assigned by law or ordinance as being responsible for the enforcement of building standards.

EXECUTIVE DIRECTOR. The Chief Executive appointed by the California Building Standards Commission pursuant to Health and Safety Code Section 18925, to carry out the duties assigned by the California Building Standards Commission as designated in Health and Safety Code, Division 13, Part 2.5, commencing with Section 18901.

FEES, FRACTIONS THEREOF. Fee increments for individual building permit values less than $100,000 as described in Article 5, Section 1-505 and Table 1-505.

JUSTIFICATION. An initial statement of reasons and the information needed to complete a notice of proposed action, including a determination as to the effect of the code change on housing costs.

NOTICE OF PROPOSED ACTION. For the purposes of this chapter is synonymous with the term Notice of Proposed Building Standard.

OFFICE. The Office of the State Fire Marshal.

PETITION. A written submittal to the Commission or a state adopting or proposing agency by any local government agency, firm or member of the public for the purpose of proposing a new building standard or administrative regulation in Title 24, or the amendment or repeal of an existing building standard or administrative regulation in Title 24 that is currently effective.

PROPOSING AGENCY (or state proposing agency). A state agency having authority and responsibility to propose a building standard for adoption by the Commission and publication in Title 24, California Code of Regulations. A proposing agency does not have authority to conduct public hearings for the adoption of building standards. See Adopting Agency.

PUBLIC UTILITY. The California Public Utilities Commission (PUC); or which would otherwise by regulated by the PUC but are exempted by municipal charter.

SPECIAL CODE ADVISORY COMMITTEE. An ad hoc committee established by the Commission, when necessary, to advise the Commission on a subject in the code needing extensive revision or on a complex subject which needs to be regulated or to perform a review of a proposed code change that warrants special technical review.

STATE AGENCY REPRESENTATIVE(S). For the purposes of this chapter means representative(s) of state proposing or adopting agencies.

TECHNICAL REVIEW. A review of a proposed code change and its justification conducted pursuant to Health and Safety Code Section 18930 (c), (d), (e), (f) to ensure that a code change is justified in terms of nine-point criteria of Health and Safety Code Section 18930 (a).

TITLE 24. The 24th title within the California Code of Regulations, also referred to as the California Building Standards Code. Title 24 is reserved for building standards and administrative regulations to implement building standards approved and published, or caused to be published, by the California Building Standards Commission.

Authority: Government Code 11000, and Health and Safety Code Sections 18929.1, 18931(f) and 18949.6.

Reference: Government Code 11000, and Health and Safety Code Sections 18927, 18929–18932, 18934, 18935, 18936, 18949.1, 18949.2, 18949.3, 18949.5 and 18949.6.

1-105. Use of Commission indicia.

(a) Other than the Commission, no person, firm, agency or organization shall copy, duplicate, reprint or otherwise use the indicia of the Commission without the express written approval of the Commission. For the purposes of this section, the Commission's indicia shall include but not be limited to any logo, symbol or emblem used by the Commission to identify codes, standards, bulletins and other documents or properties as being issued, adopted, approved, published or maintained by the Commission.

(b) Requests for approval to copy, duplicate, reprint or otherwise use the indicia of the Commission shall be in writing and be submitted to the Executive Director, California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833. The address should be confirmed at the Commission's website: www.dgs.ca.gov/bsc. Requests shall include the identification of the intended document or material that is to include the indicium or indicia of the Commission, and the time frame for the proposed usage.

(c) The Executive Director, or designee, shall provide a written response to requests received pursuant to subsection (b). Approvals of indicia usage may include limitations to a specific usage, type of document or material, and/or time frame. Denial of indicia usage shall include the reasoning for the denial. The Commission shall consider reasonably corrected resubmittals.

Authority: Health and Safety Code Section 18931(f).

Reference: Health and Safety Code Section 18931(f).

ARTICLE 2—DUTIES AND RESPONSIBILITIES OF THE BUILDING STANDARDS COMMISSION, THE EXECUTIVE DIRECTOR AND COMMISSION PERSONNEL

1-201. Duties.

(a) **Commission duties.** The Commission shall perform all functions relating to the adoption and publication of the California Building Standards Code in Title 24 of the California Code of Regulations prescribed by the California Building Standards Law in Health and Safety Code, Division 13, Part 2.5, commencing with Section 18901.

(b) **Executive Director duties.** The Executive Director shall be the primary individual responsible for implementing the will of the Commission, and shall have the authority to:

1. Recommend to the Commission policies under which the office of the Commission will operate.
2. Interpret and implement the policies of the Commission.
3. Provide the administrative direction for the day-to-day work of the Commission.
4. Manage the technical and support staff of the Commission.
5. Represent the Commission before the Legislature.
6. Review and approve or disapprove agencies' public notices for proposed building standards per Sections 11346.4 and 11346.5 of the Government Code.
7. Ensure that state agencies comply with Health and Safety Code Section 18930 and Government Code Section 11340 et seq. (as applicable), when adopting building standards, prior to submission to the Commission.
8. Negotiate and execute contractual agreements necessary to carry out the mission of the Commission.
9. Manage the Commission's appeal and petition process.
10. Represent the Commission to all levels of state and local government, and with the private sector.
11. Perform other duties as required by the Commission and state statute(s).

Authority: Health and Safety Code Section 18931.

Reference: Health and Safety Code Sections 18925 and 18931.

1-203. Development of green building standards.

(a) The Commission shall adopt, approve, codify, update and publish green building standards for occupancies that are not under the explicit authority of another state agency. The Commission also may review and comment on proposals and proposed standards developed by other agencies in order to reduce or eliminate ambiguities or conflicts.

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(b) A list of agencies with specific authority to propose and/or adopt building standards are identified in Title 24, Part 2, the *California Building Code*, Chapter 1, Division 1. The Commission shall work with these agencies to coordinate the adoption of green building standards for residential and nonresidential occupancies.

(c) In developing green building standards, the Commission shall consult with the state entities it finds to be appropriate for specific standards including, but not limited to, the following state agencies:

1. Department of Resources Recycling and Recovery
2. California Energy Commission
3. California Air Resources Board
4. California Department of Water Resources
5. California Department of Transportation
6. California Department of General Services
7. California Department of Public Health
8. Office of State Fire Marshal

(d) The Commission also shall consult with representatives from each of the following:

1. Environmental advocacy groups
2. Interested local government and code enforcement entities
3. Building construction and design industries
4. Interested public parties

(e) The Commission may consult with and seek input from the entities and representatives identified in subsections (c) and (d) either by written comment or in a meeting format and shall consider all input provided during the development of the green building standards which is relevant to specific standards. The Commission shall provide written responses to formal comments received during the public comment period for any proposed green building standards.

(f) See Section 1-404 for requirements concerning state agency participation in the development of green building standards.

Authority: Health and Safety Code Sections 18909(c), 18929, 18930.5, 18931.6 and 18931.7.

Reference(s): Health and Safety Code Sections 18930.5, 18931.6 and 18931.7.

1-209. Code Advisory Committees.

(a) **Standing Code Advisory Committees.** The Commission shall establish the following standing Code Advisory Committees.

1. Accessibility
2. Plumbing, Electrical, Mechanical and Energy
3. Building, Fire and Other Regulations
4. Structural Design/Lateral Forces
5. Health Facilities
6. Green Building

(b) **Special Code Advisory Committee.** The Commission may establish one or more special Code Advisory Committees when it determines that a subject in the code needs to be extensively revised or that a complex subject which needs to be regulated is not covered or that the content of a proposed code change warrants special technical review.

(c) **Quorum.** A majority of the members of the Code Advisory Committee(s) shall constitute a quorum for the transaction of business. A majority of the members present shall constitute a quorum for determining the outcome of a vote.

(d) **Members.** The Code Advisory Committees shall be limited to a maximum of nine voting members, appointed by the Commission for one triennial code adoption cycle (3 years). The Commission can extend the term beyond 3 years if deemed necessary, and members shall hold appointments at the pleasure of the Commission. The appointments shall be made from individuals knowledgeable in the building standards or general subjects assigned to the specific committee. Members shall be solicited by the Commission based on the representations listed in this section. However, when there are no volunteers for a specific representation following a 30-day advertisement of an available committee position, the Commission may make other appointments as deemed necessary to maintain the expertise and balance of a committee:

1. **Accessibility.** The Commission shall solicit nominations from:
   - A. Ex-Officio Member(s)
     - (1) State Agency Representative(s)
   - B. Voting Member(s)
     - (1) Disability Access Advocate Knowledgeable in Visually Impaired
     - (2) Disability Access Advocate Knowledgeable in Hearing Impaired
     - (3) Disability Access Advocate Knowledgeable in Mobility Impaired
     - (4) Disability Access Advocate Knowledgeable in Environmental Health Network or Other Cognitively Impaired
     - (5) Local Government Building Official[1]
     - (6) Construction Industry

(7) Architect
(8) Fire Official[1]
(9) Public Member

2. **Plumbing, electrical, mechanical and energy.** The Commission shall solicit nominations from:
   A. Ex-Officio Member(s)
      (1) State Agency Representative(s)
   B. Voting Member(s)
      (1) Local Government Building Official[1]
      (2) Environmental/Energy Organization
      (3) Construction Industry
      (4) Architect
      (5) Fire Official[1]
      (6) Public Member or Local Government Water Efficiency Official[1]
      (7) Plumbing Inspector
      (8) Mechanical Engineer
      (9) Electrical Engineer or Electrical Inspector
3. **Building, fire and other.** The Commission shall solicit nominations from:
   A. Ex-Officio Member(s)
      (1) State Agency Representative(s)
   B. Voting Member(s)
      (1) Local Government Building Official[1]
      (2) Registered Fire Protection Engineer
      (3) Construction Industry
      (4) Architect
      (5) Commercial Building Industry
      (6) Fire Official[1]
      (7) Disability Access Advocate
      (8) Public Member
4. **Structural design/lateral forces.** The Commission shall solicit nominations from:
   A. Ex-Officio Member(s)
      (1) State Agency Representative
   B. Voting Member(s)
      (1) Three (3) Structural Engineers
      (2) Architect
      (3) General Contractor
      (4) Local Government Building Official[1]
      (5) Public Member
5. **Health facilities.** The Commission shall solicit nominations from:
   A. Ex-Officio Member(s)
      (1) State Agency Representative(s)
   B. Voting Member(s)
      (1) Acute Care Hospital Representative
      (2) Skilled Nursing Facility Representative
      (3) Architect
      (4) General Contractor
      (5) Mechanical Engineer
      (6) Electrical Engineer or Electrical Inspector
      (7) Fire Protection Engineer
      (8) Local Government Building Official[1]
      (9) Primary Care or Specialty Clinic Representative
6. **Green building.** The Commission shall solicit nominations from:
   A. Ex-Officio Member(s)
      (1) State Agency Representative(s)

B. Voting Member(s)
(1) Residential Construction Industry Representative
(2) Commercial Building Industry Representatives
(3) Architect
(4) Environmental Organization Representative
(5) Local Government Building Official[1]
(6) Public Member or Local Government Water Efficiency Official[1]
(7) Fire Official[1]
(8) Mechanical Engineer or Energy/Building Performance Specialist
(9) Electrical Engineer, Electrical Inspector or Energy/Building Performance Specialist

1. The Local Government Building Official, Local Government Water Efficiency Official and Fire Official positions may be filled by a consultant authorized to represent the local agency providing the consultant serves in the official capacity of a full-time building, water efficiency or fire official for a single city, county or city and county local government. (Footnote shall apply to each Local Government Building Official, Local Government Water Efficiency Official and Fire Official position on every committee).

Section 1-211. Application for Code Advisory Committee appointment.

(a) **Application period.** When advertising a vacancy on a Code Advisory Committee, the Commission may establish an application period with a closing date and may, at its discretion, consider applications received after the closing date.

(b) **Application required.** Persons desiring appointment to a position on a Code Advisory Committee must submit the application to the Commission as required by this section. A separate application is required for each advertised vacancy on a Code Advisory Committee. The Commission will not maintain applications on file for future consideration.

(c) **Application form.** For each Code Advisory Committee vacancy, a completed *Application for Code Advisory Committee Appointment,* form BSC-7, shall be submitted to the office of the Executive Director, California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833. The current address may be verified at the Commission's website (www.dgs.ca.gov/bsc). The application form is available from the Commission or may be obtained on the Commission's website during an open Code Advisory Committee application period.

The application shall be accompanied by a resume and may be further supported by attachments including letters of support or recommendation and other materials demonstrating expertise and knowledge applicable to the Code Advisory Committee position.

(d) **Application fee.** There is no application fee.

(e) **Selection decision.** The Commission will consider applications and make selections based on qualifications applicable to the Code Advisory Committee vacancy. All decisions by the Commission regarding appointments to Code Advisory Committees are final and are not subject to appeal.

(f) **Notice of appointment.** The Executive Director, or their designee, shall provide written notice to applicants selected by the Commission for appointment to a Code Advisory Committee. Written notice shall also be provided to all applicants not selected for appointment to a Code Advisory Committee.

Authority: Health and Safety Code Sections 18909(c), 18929, 18930.5, 18949.6 and 18931(f).

Reference: Health and Safety Code Sections 18927, 18929, 18930.5, 18931 (f), 18934, 18936 and 18949.6.

ARTICLE 3—APPEALS AND PETITION PROCEDURES

1-301. Appeals and petitions.

(a) The public may submit appeals and petitions to the Commission as prescribed in this Article.

(b) Appeals and petitions concerning building standards that are not in effect at the time of submission will not be accepted by the Commission. An appeal or petition submitted on a proposed, approved and/or adopted building standard of Title 24, outside of its effective date, shall be considered invalid and returned to the submitter in accordance with this article.

(c) An appeal or petition, as defined in Section 1-103 of this chapter, is not the means to support or oppose a proposed, approved and/or adopted building standard for publication in Title 24, prior to its effective date. To provide comment on a proposed building standard, see Section 1-413 in this chapter.

(d) The Commission may accept appeals relating to actions and decisions by state and local agencies to enforce building standards, but may only make recommendations for reconsideration. The Commission has no authority to overturn a decision by a state or local agency when the matter is within the jurisdiction of that state or local agency.

Authority: Health and Safety Code Sections 18931, 18945 and 18946.

Reference: Health and Safety Code Sections 18931, 18945 and 18946.

1-303. Scope of appeals and types of appellants. Appeals to the Commission and the matters which can be appealed are as follows:

(a) An appeal may be submitted by any person adversely affected by the administration of building standards or administrative regulations of Title 24, or the enforcement or the lack of enforcement of Title 24, by any state agency as prescribed in Health and Safety Code Section 18945(a) and this article.

(b) An appeal may be submitted by any person adversely affected by the enforcement of Title 24 by a local enforcement agency, in the company of the local enforcement agency, as prescribed in Health and Safety Code Section 18945(b) and this article. Joint appeals must have statewide significance.

(c) An appeal may be filed by any person, including a state or local agency adversely affected by an apparent conflict, duplication or overlap of any current Title 24 provision, or any other matter of statewide significance relating to the application of Title 24.

(d) When the basis of an appeal is the action of a state agency other than the Commission, the appellant must obtain a final determination from the state agency in question relating to the issue under appeal before the Commission will hear the appeal.

Exception: An apparent conflict, duplication or overlap in other available state appeals procedures or within the regulations or code.

Authority: Health and Safety Code Sections 18931, 18945 and 18946.

Reference: Health and Safety Code Sections 18931, 18945 and 18946.

1-305. Time limitations for appeals.

Appeals will be accepted by the Commission only within six (6) months of when the act, interpretation, decision or practice complained of occurred.

Exception: The Commission, at its discretion, may accept and act on an appeal when more than six (6) months have passed if special circumstances are found to exist.

Authority: Health and Safety Code Section 18931.

Reference: Health and Safety Code Section 18931.

1-307. Appeal form and filing fee.

(a) An appeal shall be submitted using Appeal Form BSC-33, which is available on the Commission's website, or by contacting the Commission's office by telephone at (916) 263-0916, or by email (cbsc@dgs.ca.gov). The form contains instructions on providing the necessary information and the required documents, including but not limited to:

1. The specific regulation, rules, interpretation or decision of any state agency respecting the administration of any building standard being appealed.
2. The dates of any act, interpretation or decision of any state agency related to the complaint.
3. The nature of any act, interpretation or decision of any state agency related to the complaint.
4. The reasons for the appeal.
5. Documentation of the official action of the applicable state agency with respect to the agency's final determination on the issue.
6. Identification of witnesses, experts and other representatives of the appellant.

(b) The appeal shall be filed by mail with the Executive Director, California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833. The address should be confirmed at the Commission's website (www.dgs.ca.gov/bsc).

(c) Filing Fee: Health and Safety Code Section 18949 requires the Commission to recover the cost of administrating appeals. Accordingly, a nonrefundable fee of $450.00 shall accompany the submitted appeal form. In addition, any and all costs for an administrative law judge or costs related to a hearing before the appeals subcommittee will be the responsibility of the appellants.

Authority: Health and Safety Code Sections 18931 and 18945.

Reference: Health and Safety Code Sections 18931, 18945 and 18949.

1-309. Receipt and processing appeals.

(a) Receipt of any appeal shall be acknowledged in writing by the Executive Director, or their designee, within 45 days of receipt, advising the appellant and any state or local agency party to the appeal, of the acceptance or rejection of the appeal, as filed, or the need for additional information to make a determination. The reply shall also set forth the planned action of the Commission in response to an accepted appeal, together with reasons for the proposed actions.

(b) If the Executive Director determines that additional information is needed in order to process the appeal and make a determination, the Executive Director may request the additional information in the written response required by subsection (a), and defer action on the appeal until the additional information is received. If the Executive Director requests additional information, the appellant shall have 30 days from the date of the Executive Director's request to submit the information. If the requested information is not received within 30 days, the Executive Director may treat the appeal as having been abandoned or may, upon written notice to the appellant and any state or local agency as a party to the appeal, process the appeal based on the information available. Upon written request, the Executive Director may for good cause, extend the 30-day period by one additional 30-day period.

(c) Following the acceptance of an appeal, the Executive Director and Chair of the Commission's Appeals Committee, as appointed by the Chair of the Commission, shall, acting together, designate a hearing authority by determining whether the appeal should be heard by the Appeals Committee, the full Commission, a member of the Commission designated as hearing officer, or by a hearing officer appointed by the Office of Administrative Hearings.

(d) Within 15 days of determining the hearing authority, and no less than 15 days prior to the appeal hearing date, the Executive Director, or their designee, shall provide to the appellant and any state or local agency as a party to the appeal, written notice identifying the hearing authority, procedures, and when possible the scheduled hearing date, time and location.

Authority: Health and Safety Code Sections 18931 and 18945.

Reference: Health and Safety Code Sections 18931, 18945 and 18946.

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1-311. Appeal hearing procedures.

(a) When it is determined pursuant to subsection 1-309(c) that the appeal shall be heard by the Commission's Appeals Committee or a member of the Commission appointed as the hearing officer, the following provisions shall apply:

1. The Executive Director shall provide written notice of the date, time and location of hearing to interested parties, as provided in subsection 1-309(d), and may invite experts or other witnesses as necessary for the hearing.
2. The Appeals Committee or the member of the Commission appointed as the hearing officer, shall not be bound by the rules of evidence or procedure applicable in the courts. Appellant, appellant's witnesses and any other interested persons may present testimony, argument and/or documentary material concerning the matter(s) under consideration.
3. The Appeals Committee or the member of the Commission appointed as the hearing officer shall prepare their finding(s) and decision within 30 days after the appeal hearing.
4. The Executive Director shall, in writing, advise the appellant, any state or local agency as a party to the appeal, and the Commission, of the Appeals Committee or the member of the Commission appointed as the hearing officer decision within 15 days from the date of the decision.
5. When an appeal is heard by the Appeals Committee or the member of the Commission appointed as the hearing officer, either party may request a reconsideration of the decision by the Commission. The request must be submitted to the Executive Director in writing no more than 45 days after the date the original decision by the Appeals Committee or member of the Commission appointed as the hearing officer is made.
6. Reconsideration by the Commission shall be conducted in accordance with subsection 1-311(b), and based upon the record of the appeal hearing and additional information or testimony that is specifically requested by the Commission.
7. Notwithstanding the foregoing, the appeal may be withdrawn at any time by the appellant upon written notice to the Executive Director. Upon withdrawal, no further proceeding as specified above shall take place. The withdrawal of the appeal shall be accepted with or without prejudice, as determined by the Commission's Appeals Committee or the member of the Commission appointed as the hearing officer.

(b) When it is determined pursuant to subsection 1-309(c) that an appeal shall be heard by the Commission, or pursuant to subsection 1-311(a) 5 that a reconsideration hearing is to be conducted by the Commission, the following provisions shall apply:

1. An appeal or request for reconsideration shall be acted on by the Commission during the next regularly scheduled public Commission meeting, or within 180 days, after the date the appeal or request for reconsideration is received by the Executive Director.
2. The Executive Director shall provide written notice of the time, date and location of the hearing to interested parties, as provided in subsection 1-309(d), and invite expert or other witnesses as necessary for the hearing.
3. The Commission shall not be bound by the rules of evidence or procedure applicable in the courts. The hearing shall be conducted according to the Commission's own rules, accepting evidence as it requires, and chaired by its regular Chairperson. Appellant and other interested parties may present relevant testimony, argument or documentary material as acceptable to the Commission.
4. The Commission shall make a decision on the appeal at an open meeting thereof, provided that the matter may be continued or taken under advisement for decision at a later meeting of the Commission, or re-referred to the Appeals Committee for further consideration and report to the Commission. No Commissioner may cast a vote on the determination of an appeal unless the Commissioner was present at the hearing held for appeal.
5. Notwithstanding the foregoing, the appeal may be withdrawn at any time by the appellant upon written notice to the Executive Director. Upon withdrawal, no further proceedings as specified above shall take place. The withdrawal of the appeal shall be accepted with or without prejudice, as determined by the Commission.
6. The Executive Director shall, in writing, advise the appellant, and any state or local agency as a party to the appeal, of the decision of the Commission within 15 days from the date of the official Commission decision.

(c) The Commission may elect, pursuant to subsection 1-309(c), to refer the appealing parties to a hearing officer appointed by the Office of Administrative Hearings. When such referral is made to the Office of Administrative Hearings, the hearing procedures and requirements shall be conducted as prescribed in Health and Safety Code Section 18946 and to the applicable regulations in California Code of Regulations, Title 1, Division 2.

(d) Action by the Commission on the appeal of a building standards issue within the authority of the Commission shall exhaust the administrative relief of the appellant.

Authority: Health and Safety Code Sections 18931, 18945 and 18946.

Reference: Health and Safety Code Sections 18931, 18945 and 18946 and Government Code Section 13959.

1-313. Petitions.

(a) Any local governmental agency, firm or member of the public may petition either the Commission or the authoritative agency for the proposal, adoption, amendment or repeal of any building standard or administrative regulation in Title 24 of the California Code of Regulations.

(b) Petitions shall be submitted to the Commission using Petition Form BSC-30, available on the Commission's website (www.dgs.ca.gov/bsc). The form contains instructions as to the information to be provided and documents to accompany the peti-tion form.

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(c) Petitions shall be filed by mail with the Executive Director at: CALIFORNIA BUILDING STANDARDS COMMISSION, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833. The address should be confirmed at the Commission's website (www.dgs.ca.gov/bsc).

(d) The Commission may refer received petitions to the state agency, or multiple agencies, having specific jurisdiction for the subject of the adopted building standard or for the subject of the proposed building standard as proposed by the petitioner. Except as provided in Section 1-329 of this chapter, a state agency receiving a petition referred by the Commission shall process the petition as required by this article, including the reporting of actions and decisions by the agency to the Commission.

(e) Petitions are not to be used to address matters relating to a currently proposed building standard or an adopted building standard prior to its effective date. Any concerns relating to currently proposed building standards should be brought forward during the public comment period designated for the proposed building standard.

Authority: Health and Safety Code Sections 18931 and 18949.6.

Reference: Health and Safety Code Sections 18931 and 18949.6.

1-315. Criteria for petition. A petition for the adoption, amendment or repeal of a state building standard must meet the following criteria:

(a) The subject issue must have statewide significance and must have implications for a whole category of projects or a broad range of project types, and:

(b) The rationale for the petition must take the form of at least one of the following criteria:

1. A current building standard conflicts with pertinent statute(s) and/or regulation(s). To substantiate this criterion, the petitioner must cite the subject building standard and the conflicting statute(s) and/or regulation(s), and provide a clear written description of why the two are inconsistent.
2. Compliance with a current building standard is routinely impossible or onerous. To substantiate this criterion, the petitioner must cite the current building standard, present written or photographic evidence of the difficulty in complying with it, and clearly show that the problem is common or potentially common to many different projects or project types in many different circumstances. This criterion shall not be used to justify a petition for the repeal or amendment of a current building standard that poses difficulty to a single project.
3. A current building standard is inefficient or ineffective. To substantiate this criterion, the petitioner must cite the subject building standard, provide clear and concise written or photographic evidence of its ineffectiveness or inefficiency, describe a proposed alternative and provide clear and convincing written or photographic evidence that it is more efficient or effective.
4. A current building standard is obsolete. To substantiate this criterion, the petitioner must show at least one of the following facts:
   A. A material or product specified in the building standard is not available, or
   B. There is no statute authorizing the subject building standard, or
   C. Significant developments in procedures, materials or other issues subject to the building standard have created a need for amendment or deletion of the building standard; that current state statutes permit amendment or deletion of the building standards; and that the building standard has the effect of prohibiting the use of a material or procedure that has demonstrated satisfactory performance and meets the intended purpose of building standards.
5. There is a need for a new building standard. To substantiate this criterion, the petitioner must provide a clear written description of the proposed building standard, explain why it is necessary and cite the statute(s) that require or authorize the new building standard.

Authority: Health and Safety Code Sections 18931 and 18949.6.

Reference: Health and Safety Code Sections 18931 and 18949.6.

1-317. Emergency petition.

(a) A petitioner may assert the petition requires immediate action because there is potential imminent danger to public health, safety or welfare. To substantiate the existence of potential imminent danger, the petitioner must include in the petition a written description of the specific facts showing the need for immediate action.

(b) If the emergency petition is approved by the Commission and if the petition is accepted pursuant to this article, the proposing agency or adopting agency shall develop and/or adopt new or amended building standards necessary to satisfy the cause for the petition. The new or amended building standards shall be proposed and adopted as emergency building standards as permitted by Health and Safety Code Sections 18934.8 and 18937, and as provided for in section 1-419 of this chapter.

Authority: Health and Safety Code Sections 18931, 18934.8, 18937 and 18949.6.

Reference: Health and Safety Code Sections 18931, 18934.8, 18937 and 18949.6.

1-319. Petition processing by the Commission.

(a) Within 45 days after the date of receiving a petition, the Commission shall determine whether the petition meets the requirements of this article for petitions and provide the petitioner written notification on the Commission's determination and/or related action(s).

(b) If the Commission determines that the petition does not meet the requirements of this article for petitions, the petition shall be returned to the petitioner without action but with written notification including itemization of the missing or incomplete items. The Commission shall retain a copy of the petition being returned to the petitioner in accordance with subparagraph (f).

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(c) If the Commission determines that the petition meets the requirements of this article for petitions and the subject matter of the petition is within the Commission's jurisdiction provided in statute, the Commission shall provide the petitioner written notification of the acceptance of the petition and planned action. The Commission shall act on the accepted petition during the next regularly scheduled code adoption cycle.

(d) If the Commission determines the subject matter of a petition is within the specific jurisdiction of another proposing or adopting agency, the Commission shall forward the complete petition to that agency for its review and determination. The forwarded petition shall be accompanied by a copy of the Commission's written notification to the petitioner, which shall indicate the petition has been forwarded to the identified proposing or adopting agency having jurisdiction for its review and determination.

(e) Upon receipt of a petition forwarded by the Commission, the proposing or adopting agency shall act in accordance with Section 1-321. If a proposing or adopting agency disagrees with the Commission's determination in forwarding a petition to its agency, and thus sends the forwarded petition back to the Commission, the Commission shall return the petition to the petitioner, without action, within 30 days of receipt of the petition returned by the proposing or adopting agency, in accordance with the procedures provided in this section.

(f) The Commission shall maintain records relating to the submittal, status and correspondence of petitions received by the Commission.

Authority: Health and Safety Code Sections 18931 and 18949.6.

Reference: Health and Safety Code Sections 18931 and 18949.6.

1-321. Petition processing by proposing or adopting agencies. Upon receipt of a petition forwarded by the Commission, or a petition received directly from a petitioner, the proposing or adopting agency shall be responsible for the following duties:

(a) If the proposing or adopting agency receives a forwarded petition from the Commission but disagrees with the Commission's determination that a petition is complete, or if the proposing or adopting agency believes the petition is in the jurisdiction of a different agency, the proposing or adopting agency shall notify the Commission in writing within 45 days after the date of receiving the petition. In notifying the Commission, the agency shall include an itemization of the missing or incomplete items and/or reasons why the petition is not within the proposing or adopting agency's authority as provided in statute.

(b) If the proposing or adopting agency determines that a received petition, which has not been forwarded by the Commission, does not meet the requirements of this article for petitions, the agency shall, within 45 days after the date of receiving the petition, provide the petitioner written notification of the determination with itemization of the missing or incomplete items. The agency shall provide the Commission a copy of the notification at the time the notification is sent to the petitioner.

(c) If the proposing or adopting agency determines that it has jurisdiction and that a received petition is complete, it shall take the following action(s) as appropriate, communicating with the petitioner and Commission, within the noted time lines:

1. The agency may deny or accept a petition in part and may grant other relief or take other action as it may determine to be warranted by the petition and shall notify the petitioner and Commission in writing of the action.
2. If the agency denies the petition for cause pursuant to Section 1-323 of this article [Criteria for denying a petition], it shall do so in writing within 45 days after the date of receiving the petition from the petitioner, or the referral by the Commission.
3. If the agency accepts the petition, it shall notify the petitioner and Commission in writing within 45 days after the date of receiving the petition. For the purposes of this section, accepting the petition indicates that the agency believes the issue(s) merit(s) proceeding to the development of a code change submittal as prescribed in this chapter.
4. If the accepted petition contains an emergency clause, the agency shall also rule on the existence of an emergency. If the agency concurs that an emergency exists, it shall schedule code development and begin adoption procedures on an emergency basis in accordance with section 1-419 of this chapter. The agency shall notify the Executive Director of its intent to commence rulemaking pursuant to Health and Safety Code Section 18926(b).

Authority: Health and Safety Code Sections 18931, 18949.1, 18949.2, 18949.3, 18949.5 and 18949.6.

Reference: Health and Safety Code Sections 18926, 18931 and 18949.6.

1-323. Criteria for denying a petition. The Commission, or other proposing or adopting agency, whichever is processing a petition, may deny a petition for cause using at least one of the following criteria:

(a) The subject building standard is already scheduled for review at the next regular triennial or other scheduled adoption. To substantiate this criterion, the Commission or other agency shall include in its written denial a schedule for the planned review. Alternatively, the Commission or other agency may approve a petition but defer its implementation until the next scheduled adoption.

(b) The issues cited by the petitioner are factually incorrect. To substantiate this criterion, the Commission or other agency shall identify in its written denial the incorrect facts.

(c) The issues cited by the petitioner are not within the state's jurisdiction. To substantiate this criterion, the Commission or agency shall show in its written denial why the issues are outside its jurisdiction.

(d) The issues cited by the petitioner have been raised and answered through another petition or during the previous rulemaking. To substantiate this criterion, the Commission or agency shall include with its written denial a copy of the previous petition and its response or the pertinent rulemaking file information.

Note: If new facts or substantiating data, pertinent to a petition, are provided, this criterion shall not be grounds for denying a petition.

(e) Resolving the issues raised by the petitioner would compromise the agency's ability to carry out its legal mandate. To substantiate this criterion, the Commission or agency shall include with its denial the specific ways in which its legal mandate would be compromised.

(f) The building standard proposed by the petitioner would do any of the following:

1. Create unnecessary hardship or expense
2. Inappropriately exclude materials, equipment or brands
3. Include only specific brands
4. Conflict with federal or state laws or regulations or existing building standards
5. Be otherwise without merit and public benefit

Authority: Health and Safety Code Sections 18931 and 18949.6.

Reference: Health and Safety Code Sections 18931 and 18949.6.

1-325. Reconsideration of denied petition.

(a) A petitioner may request reconsideration of any part or all of a decision of any proposing or adopting agency or the Commission on any denied petition.

(b) The request shall be submitted in accordance with the following:

1. Petition procedures of this article.
2. Include the reason(s) why the decision to deny the petition should be reconsidered.
3. Is submitted to and received by the agency having authority that denied the petition no later than the close of business on the 60th day after the date of the decision involved.

(c) The agency's or Commission's reconsideration of any matter relating to a petition shall be subject to the provisions of this article.

Authority: Health and Safety Code Sections 18931, 18945, and 18949.6.

Reference: Health and Safety Code Sections 18931, 18945, and 18949.6.

1-327. Reconsideration by the Commission.

(a) The Commission shall have no authority to reevaluate or reverse the decisions on petitions made by a proposing agency or adopting agency when the subject of the petition is within the specific jurisdiction of the proposing agency or adopting agency.

(b) Requests for the reconsideration of a decision by the Commission shall meet the requirements of Section 1-325 of this article.

(c) Should the Commission reverse its previous decision made on a petition, the petition shall be considered accepted and a rulemaking process shall begin as provided in this chapter.

Authority: Health and Safety Code Sections 18931, 18945, and 18949.6.

Reference: Health and Safety Code Sections 18931, 18945, and 18949.6.

1-329. Substitution of or supplementation by agency procedures.

(a) The provisions of this article pertaining to petitions shall not apply when an agency notifies the Commission that a petition process is mandated by specific statutes in addition to Government Code Sections 11340.6 and 11340.7, and/or that it has adopted its own regulations or procedures complying with Government Code Sections 11340.6 and 11340.7, and that it has notified the public of the existence of these statutes, regulations or procedures. Notification to the Commission shall consist of a written copy of the statutes, regulations or procedures and a description of the methods used to make the public aware of their existence. Upon receiving notification, the Commission shall exclude the agency from compliance with this article pertaining to petitions. If the Commission receives a petition pertaining to an excluded agency's jurisdiction, the Commission shall forward the petition without undertaking any of the duties prescribed by this article pertaining to petitions directly to the agency and shall notify the petitioner of that fact.

(b) These regulations are not intended to be the sole means by which the proposing agency or adopting agencies and the interested public can raise, discuss and resolve issues pertaining to building standards. Agency procedures such as public participation meetings, advisory committees, written and verbal correspondence between members of the public and agency personnel, and other methods are considered alternatives that may be chosen by a member of the public instead of or in addition to the petition procedures described in this article.

Authority: Health and Safety Code Sections 18931 and 18949.6.

Reference: Health and Safety Code Sections 18931 and 18949.6.

ARTICLE 4—RULEMAKING FOR THE ADOPTION OF BUILDING STANDARDS

1-401. Purpose. This article establishes basic minimum procedural requirements for a code adoption cycle for proposing agencies to ensure adequate public participation in the development of building standards, to ensure adequate technical review and adequate time for technical review by Code Advisory Committees and to ensure adequate notice to the public of compiled code change submittals prior to adoption by the Commission.

1-403. Public participation.

(a) **Precycle public participation.** Every state agency with authority to propose or adopt building standards shall develop proposed building standards in a manner to ensure public participation. Methods for ensuring public participation may include but are not limited to the following:

1. Identify and maintain a listing of all interested groups or persons affected by building standards of the type within the jurisdiction of the agency.

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2. Prior to commencing the development of proposed building standards, notify all interested groups and persons that building standards are to be developed, and solicit suggestions and a means for participation.
3. Conduct workshops to solicit input where the proposals are complex or large in number and cannot easily be reviewed during the comment period.
4. Make available draft proposals to interested groups or persons expressing interest.
5. Establish a procedure to provide interested groups or persons the opportunity to advise the agency of the impact of the proposed standards.

(b) **Written public comments.** The public may submit written comments in support or opposition to proposed building standards or proposed repeal of existing building standards. The written comment may be provided at a public meeting of a Code Advisory Committee, and at any public meeting or hearing by the Commission conducted for the purpose of considering building standards published or proposed to be published in Title 24 of the California Code of Regulations, and during any public comment period announced by an issued Notice of Proposed Action or agenda. See Section 1-413 for additional information.

(c) **Oral public comments.** The public may provide oral comment in support or opposition to proposed building standards and the proposed repeal of existing building standards during a public meeting of a Code Advisory Committee, or during any public meeting or hearing of the Commission conducted for the purpose of considering building standards published or proposed to be published in Title 24, California Code of Regulations.

1. **Time allocated for public comment.** Four minutes maximum is the total time allocated for each individual speaker to provide comment on a specific agenda item before or during the discussion or consideration of the item. Time may not be ceded to another speaker.

   Exception: Twice the allocated time shall be provided to a member of the public who requests accommodation as a person with a disability, utilizes assistive technology, or utilizes an interpreter to effectively communicate.

Authority: Health and Safety Code Sections 18929.1 and 18934.

Reference: Government Code Sections 11125.7 and 11346.45, Health and Safety Code Sections 18929.1 and 18934.

1-404. State agency participation for green building standards. The Commission and other state agencies that propose green building standards shall allow for input by other state agencies that have expertise in green building subject areas but do not have the statutory authority to propose green building standards. The process for making recommended changes to proposing state agencies shall align with an 18-month code adoption cycle (triennial or intervening) and the proposing state agency's rulemaking schedule as follows:

(a) **Timing for submittal**. The timing for receipt of recommended changes shall be determined by the state agency that has statutory authority to propose green building standards for a specific occupancy. Pursuant to 1-403(a)(2), prior to commencing the development of proposed building standards**,** proposing state agencies shall notify all interested parties that building standards are to be developed, and solicit suggestions and a means for participation.

(b) **Mandatory or voluntary standards.** The state agency recommending changes shall specify whether the recommended changes are intended to be mandatory or voluntary green building standards, and shall indicate, to the extent possible, if a recommended voluntary green building measure should be considered for possible adoption as a mandatory measure within the two subsequent adoption cycles. The proposing state agency shall determine if a recommended green building standard will be proposed as a mandatory or voluntary measure.

(c) **Submittal documents.** Submittal documents shall be submitted as a complete package and shall include, but are not limited to, all of the following:

1. Recommended regulatory text for new green building standards or revisions to existing green building standards, in strike-out/underline format;
2. Rationale that clearly explains the specific purpose and the need for the changes including the basis for recommending that the items be considered for adoption as mandatory or voluntary green building standards;
3. Fiscal and economic analysis and supporting documentation in a format specified by the proposing state agency, which shall include the cost of compliance;
4. Verifiable and appropriate technical analysis, data or other information in support of the recommended changes including information on product availability. Data or information shall include, but is not limited to, copies of reports, findings, data relied upon or other materials and analyses;
5. Certification by the state agency suggesting the recommended changes that the content of the aforementioned submittal documents are true and accurate; and
6. Any additional information as requested by the proposing state agency.

(d) **Availability to the public.** The proposing state agency, in complying with the provisions of Section 1-403 and having determined to propose the recommended changes as building standards, shall make the proposals available to interested groups, persons expressing interest, and the public pursuant to Government Code §§11346.45 and 11347.1.

(e) **State agency declines to proceed.** The proposing state agency may decline to proceed with recommended changes from the suggesting state agency with expertise in green building subject areas due to any of, including but not limited to, the following circumstances:

1. Recommended changes conflict with the proposing state agency's mission, stated goals and/or other mission critical program requirements;

2. The suggesting state agency has failed to provide the submittal documents as required;
3. The suggesting state agency provides data, analysis or information that is flawed or otherwise determined by the proposing state agency to be unusable in-whole or in-part;
4. The suggesting state agency fails to provide a complete package of submittal documents within the timeframe directed by the proposing state agency in order to appropriately advance the suggested changes during the subject rulemaking cycle; and
5. Any other reason as determined by the proposing state agency.

(f) **Rulemaking participation.** When the proposing state agency determines that it will accept and advance a recommended change submitted by a state agency with expertise in green building subject areas during a rulemaking code adoption cycle, the state agency that submitted the recommended change shall be notified in writing of the acceptance within 30 days of receipt of the submittal documents.

The written notification of receipt of submittal documents shall identify any assistance the proposing state agency may require from the suggesting state agency during the rulemaking process. This may include, but is not limited to contributions and participation in pre-cycle workshops or focus group meetings, development of proposed express terms and statement of reasons, providing research or documentation needed to support the suggested changes and comply with the requirements of the initial statement of reasons, and the State of California Department of Finance Economic and Fiscal Impact Statement (Std. 399), Code Advisory Committee presentations, and/or presenting the proposed code change before the Commission. The proposing state agency may request other documentation as necessary to comply with the rulemaking process.

Authority: Health and Safety Code Sections 18929.1, 18930.5 and 18934.

Reference: Government Code Section 11346.45, Health and Safety Code Sections 18929.1, 18930.5 and 18934.

1-405. State adopting agency hearing date. State adopting agencies planning to conduct hearings relative to building standards shall, prior to giving public notice, acquire the written approval of the Commission as to the date, time and place of the hearing(s). The approval may be in the form of the Commission's approval of the proposed Notice of Proposed Action submitted by an adopting agency, when the date, time and place for the hearing is included in the proposed Notice of Proposed Action.

Authority: Health and Safety Code Sections 18931 and 18935.

Reference: Health and Safety Code Sections 18931 and 18935.

1-406. Commencement of rulemaking.

(a) In order to effectively administer the Triennial and Intervening Code Adoption Cycles, the Commission shall establish deadlines for state adopting agency and state proposing agency submittals of rulemaking files of adopted or proposed building standards for publication in Title 24, California Code of Regulations.

(b) The Commission shall notify state adopting agencies and state proposing agencies in writing of the deadlines for acceptance of rulemaking files a minimum of 180 days prior to the deadline. State adopting agencies and state proposing agencies shall submit rulemaking files as specified in this article to the Commission on or before the deadline for acceptance specified in the written notice.

Authority: Health and Safety Code Sections 18929.1 and 18930.

Reference: Health and Safety Code Sections 18930, 18931 and 18933.

1-407. Initial rulemaking file submittals by a state proposing agency.

(a) State proposing agencies developing building standards, or administrative regulations to support building standards, to be published in Title 24, shall prepare a rulemaking file for submittal to the office of the Commission, which shall comply with Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. The Notice of Proposed Action required by this section shall be approved by the Commission prior to any official notice to conduct a hearing or comment period regarding the proposed rulemaking.

Note: Current forms, templates, and checklists for developing rulemakings are available from the Commission to assist state proposing and adopting agencies. These are provided in order to help ensure that the state agencies' rulemaking documents comply with specific requirements for content, completeness, statutory authority and reference and numerous other requirements.

(b) File content. The initial rulemaking file submitted to the Commission shall include the following:

1. One (1) original Building Standards Face Sheet (BSC-1) signed by the agency director or designee.
2. One (1) copy of the Notice of Proposed Action. The Notice of Proposed Action shall be complete except for the public comment period portion. The public comment period will be determined by the Commission staff.
3. One (1) copy of the Initial Express Terms showing the proposed building standards or amendments to existing building standards in strikeout/underline format. The language, including numbering and punctuation, of proposed new building standards or amendments to existing building standards shall be shown underlined. Proposed deletions of existing building standards shall be shown in strikeout type. Existing building standards to remain without amendment shall be shown without underlining or strikeout or other highlighting.
4. One (1) copy of the Initial Statement of Reasons for proposing the adoption, amendment, or repeal of a regulation.
5. One (1) copy of the Department of Finance Economic and Fiscal Impact Statement (STD. 399). The Fiscal Impact Statement section of the STD. 399 is not required to be signed by the agency until a notice of proposed action is submitted for publication in the California Regulatory Notice Register.
6. One (1) copy of the written Nine-Point Criteria Analysis substantiating compliance with Health and Safety Code Section 18930.

7. One (1) electronic file copy of each of the above documents listed under subsection 1-407(b), which shall be suitable for immediate placement on the Commission's website (www.dgs.ca.gov/bsc) for public viewing. Items 2, 3, 4 and 6 listed under this section shall be in compliance with the Web Content Accessibility Guidelines 2.0, or a subsequent version, published by the Web Accessibility Initiative of the World Wide Web Consortium at a minimum Level AA success criteria. [See Government Code Section 11546.7(a).]

(c) Upon approval of the Notice of Proposed Action for building standards, the Executive Director will forward the approved Notice of Proposed Action to the Office of Administrative Law for the sole purpose of publication in the California Regulatory Notice Register before the start of the public comment period, and return an approved copy to the proposing agency. If a Notice of Proposed Action is found to be incomplete or incorrect by Commission staff, the Executive Director shall return it to the proposing agency within 10 days with a written listing of the found deficiencies to enable the agency to make corrections for resubmittal to the Commission.

1. Any Notice of Proposed Action not acted upon within 20 days by the Commission staff shall be considered approved and may be published in the California Regulatory Notice Register.

Authority: Government Code Sections 11346–11348 and Health and Safety Code Sections 18930, 18931, 18935 and 18949.6.

Reference: Government Code Section 11546.7(a) and Health and Safety Code Sections 18930, 18931, 18935 and 18949.6.

1-408. Certification of delegation of authority.

(a) Whenever a certification is required by this article, it shall be made by the head of the state agency that is proposing, adopting, amending or repealing building standards or administrative regulations, or by a designee of the agency head. The certification and delegation shall be in writing.

(b) The certification signature required on the Notice/Submission Face Sheet (BSC-1) by Sections 1-407(b)1, 1-415(a)1, and 1-419(b)1 and the certification signature required on the Department of Finance Economic and Fiscal Impact Statement (STD. 399) required by Section 1-415(a)6 shall be made by the agency director, or their designee, of the agency proposing or adopting the building standards. A written delegation identifying the agency's authorized signatory designee(s) shall be submitted prior to or with the rulemaking file(s) when the Notice/Submission Face Sheet (BSC-1) is signed by other than the agency director.

Authority: Government Code Sections 11340 et seq., and Health and Safety Code Sections 18929.1, 18930, 18931, 18934, 18935 and 18949.6.

Reference: Government Code Sections 11340 et seq., and Health and Safety Code Sections 18929.1, 18930, 18931, 18934, 18935 and 18949.6.

1-409. Code Advisory Committee review.

(a) Prior to conducting any hearing or public comment period as part of the rulemaking proceeding required by the Administrative Procedure Act, the Commission shall assign an initial rulemaking file, received on or before the deadline established under Section 1-406 of this article, to one or more Code Advisory Committees specifically knowledgeable in the building standard being proposed and schedule the submittal for a noticed public hearing to ensure adequate opportunity for public participation and technical review.

(b) A state proposing agency responsible for developing an initial rulemaking file shall attend the Code Advisory Committee meeting to present its proposal, and be prepared to respond to committee comments and questions.

(c) **Code Advisory Committee reviews.** A Code Advisory Committee shall conduct a public hearing to perform a technical review of all initial rulemaking files assigned to it by the Commission. A Code Advisory Committee meeting shall be scheduled by the Commission and shall be open to the public.

(d) **Code Advisory Committee meeting notice.** The location, date and time of a Code Advisory Committee meeting shall be noticed by the Commission and conducted in accordance with the Bagley-Keene Open Meeting Act (Gov. Code, §§ 11120–11132.).

(e) **Time allocated for public comment.** See Section 1-403(c) of this Article.

(f) **Code Advisory Committee recommendations.** A Code Advisory Committee shall make a recommendation on each proposed provision within the initial rulemaking file. A recommendation other than "approve" shall include a substantiating reason based on the Nine-Point Criteria in Health and Safety Code Section 18930. The recommendations to the Commission shall be based on one of the following and shall become part of the rulemaking file:

1. **Approve.** Approval of a proposed provision as submitted.
2. **Disapprove.** A proposed provision does not meet one or more specified criteria of Health and Safety Code Section 18930.
3. **Further study required.** A proposed provision has merit but does not meet one or more specified criteria of Health and Safety Code Section 18930. The proposed provision requires further study by the proposing agency. Upon further study, the proposing agency may resubmit the proposed provision for a comment period in the current cycle. The committee may recommend that the proposing agency submit the proposed provision in the next code adoption cycle after further study, or, if the matter can be resolved in time, submit the proposed provision for a comment period in the current cycle.
4. **Approve as amended.** Approval as amended of a proposed provision, as suggested by the committee for organization, cross-referencing, clarity and editorial improvements or as amended and submitted for committee review by the agency. Modifications are justified in terms of Health and Safety Code Section 18930.

(g) **Code Advisory Committee reports.** The Code Advisory Committee report of recommendations to the Commission shall be made available to the public for review and comment and be included in the Commission's rulemaking file.

(h) **State proposing agency action.** State proposing agencies shall address each Code Advisory Committee recommendation in the revised Initial Statement of Reasons by explaining what, if any, action was taken or not taken to address the recommendation.

Authority: Health and Safety Code Sections 18931 and 18935.

Reference: Government Code 11125.7, Health and Safety Code Sections 18931 and 18935.

1-411. Public comment rulemaking file submitted by a state proposing agency.

(a) Public comment periods, including 45-day and 15-day periods, shall be conducted according to Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code.

(b) State proposing agencies shall submit rulemaking files to the Commission on or before the deadline established by the Commission, in preparation for the 45-day public comment period.

Note: Current forms, templates, and checklists for developing rulemakings are available from the Commission to assist state proposing and adopting agencies. These are provided in order to help ensure that the state agencies' rulemaking documents comply with specific requirements for content, completeness, statutory authority and reference and numerous other requirements.

(c) File content. The rulemaking file shall include the following items.

(ci) One (1) copy of the Notice of Proposed Action.

(cii) One (1) copy of the 45-Day Express Terms, including any amendments made to address Code Advisory Committee recommendations.

(ciii) One (1) copy of the Initial Statement of Reasons, including explanations of any revisions suggested in the 45-Day Express Terms to address Code Advisory Committee recommendations.

(civ) All other items required by Section 1-407 that have been amended since the initial rulemaking file was submitted for Code Advisory Committee review.

(cv) One (1) electronic file copy of each document submitted, which shall be suitable for immediate placement on the Commission's website (www.dgs.ca.gov/bsc) for public viewing. Items 1, 2, 3 and 4 (Nine-Point Criteria Analysis only) listed under this section shall be in compliance with the Web Content Accessibility Guidelines 2.0, or a subsequent version, published by the Web Accessibility Initiative of the World Wide Web Consortium at a minimum Level AA success criteria. [See Government Code Section 11546.7(a).]

(d) In coordination with the Commission, and with the Commission's approval of the submitted rulemaking file items, a state proposing agency shall perform the following to carry out the public comment periods:

1. Verify the rulemaking items submitted by the state proposing agency are posted and available to the public on the Commission's website (www.dgs.ca.gov/bsc).
2. Distribute the Notice of Proposed Action to the parties on record with the state proposing agency that have requested to receive proposed rulemaking documents.
3. Provide printed or electronic files of the rulemaking documents described in the Notice of Proposed Action, if requested.
4. Maintain all written public comments received during the public comment periods in preparation for developing the final rulemaking file for submittal to the Commission for adoption.
5. Public comments received by a state proposing agency shall be forwarded to the Commission.

(e) Coordinate with the Commission should it be necessary to conduct additional 45-day and/or 15-day public comment periods.

Authority: Government Code Section 11346 et seq. and Health and Safety Code Sections 18929.1, 18930, 18934, 18935 and 18949.6.

Reference: Government Code Sections 11346 et seq. and 11546.7(a) and Health and Safety Code Sections 18929.1, 18930, 18934, 18935 and 18949.6.

1-413. Public comments and related actions.

(a) Anyone wishing to provide written or oral comment on a recommendation of the Code Advisory Committee(s) and/or on a proposed building standard or the repeal of an existing building standard may do so in accordance with this section. The Commission, or state proposing agency, shall consider public comments received during a public comment period announced by a Notice of Proposed Action.

(b) When no public hearing is scheduled as part of a public comment period, a public hearing may be requested. Upon written request received, no later than 15 days prior to the close of the public comment period, a public hearing pursuant to Government Code Section 11346.8 shall be held by the Commission when the Commission is the proposing agency, or state proposing agency responsible for the proposal, to receive comment on the proposed building standard or repeal of an existing building standard, its justification or Code Advisory Committee recommendations. At the hearing statements, arguments, or comments, either oral or in writing, or both, shall be permitted.

(c) A written or oral public comment submitted pursuant to this section shall refer to a specific recommendation made by a Code Advisory Committee on a proposed building standard or repeal of an existing building standard. The public comment shall clearly indicate the action desired and include a substantiating reason for the desired action based on the Nine-Point Criteria in Health and Safety Code Section 18930.

(d) The Commission shall make available to the public upon request a record of written and oral comments received at the Commission office, or during Code Advisory Committee meetings and meetings and hearings by the Commission, and during public comment periods, in regard to a proposed building standard or the proposed repeal of an existing building standard.

(e) The Commission and/or state proposing agency, whichever is appropriate, shall consider the comments received during a Code Advisory Committee meeting and during a public comment period from the public pursuant to this section. Any amendments to the proposed building standard or proposed repeal of an existing building standard as a result of the public comment and determinations shall be explained in the Final Statement of Reasons.

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(f) Following all public comment periods for a proposed building standard or proposed repeal of an existing building standard, the Commission will conduct a public meeting to consider the approval or adoption of the proposal. See Section 1-403 of this Article for time allocated for public comment.

No new issues will be raised before the Commission that were not included in the record of comments.

Items not challenged but affected as a result of an action on another item may also be considered at the Commission meeting to eliminate conflict, duplication or overlap.

Authority: Government Code Section 11346 et seq. and Health and Safety Code Sections 18929.1, 18930, 18934 and 18935.

Reference: Government Code Section 11346 et seq. and Health and Safety Code Sections 18929.1, 18930, 18934 and 18935.

1-415. Final rulemaking file by state proposing agencies.

(a) After any hearings and the close of all public comment periods a final rulemaking file shall be submitted to the Commission with all rulemaking documents complete and ready for the Commission's public meeting to consider adoption. Forms, templates, and checklists are available from the Commission. Each final rulemaking file shall be organized and indexed to identify the following items required for inclusion:

1. One (1) original Building Standards Face Sheet (BSC-1) signed by the agency director or designee.
2. One (1) copy of the Notice of Proposed Action that includes Informative Digest.
3. One (1) copy of the Initial Statement of Reasons.
4. One (1) copy of the Final Express Terms to illustrate the final proposed building standards.
5. One (1) copy of the Finding of Emergency Statement (submitted only with Emergency Building Standards). Also see Section 1-419 of this article.
6. One (1) copy of the Department of Finance Economic and Fiscal Impact Statement (STD. 399) containing all required signatures as appropriate, together with fiscal analysis prepared by the submitting Agency.
7. One (1) copy of the written transcript, recording, or minutes of any public hearings.
8. One (1) copy of each exhibit submitted or written comment received at any public hearing conducted by the agency and a transcript of any oral comments received.
9. One (1) copy of each written comment received during public comment period(s).
10. One (1) copy of the Final Statement of Reasons and any studies, surveys or documents used to support the rationale for the proposed building standard(s).
11. One (1) copy of a written statement confirming that the state agency complied with the provisions of Government Code Section 11347.1 if the agency added any technical, theoretical, or empirical study, report, or similar document to the rulemaking file after publication of the Notice of Proposed Action and relied on the document in proposing the action. The statement shall specify the date upon which the notice of the document availability was mailed to the stakeholders at least 15 days before the proposed action is adopted by the agency.
12. One (1) copy of the Updated Informative Digest.
13. One (1) copy of the proposed standards made available to the public for at least 15 days before the agency adopts, amends, or repeals the regulation pursuant to Government Code Section 11346.8(c) with clearly indicated changes from what was made available to the public as the originally proposed regulatory action during the 45-day public comment period, and a memo attesting to the 15-day public availability period (if applicable).
14. One (1) original Certification of Close and Complete of the Rulemaking File signed by the agency director or designee.
15. One (1) copy of the written Nine-Point Criteria Analysis, which shall justify the approval of the building standard(s) in terms of the criteria as set forth in the State Building Standards Law, Part 2.5, Division 13, Section 18930 et seq., of the Health and Safety Code.
16. One (1) copy of the Certification of Compliance, which is required to make emergency building standards permanent (submitted only with Emergency Building Standards during certifying rulemaking).
17. One (1) copy of a written statement confirming that the state agency complied with the provisions of Government Code Section 11346.4(a)(1) through (4) regarding the mailing of notice of proposed action at least 45 days prior to public hearing and close of the public comment period. The statement shall include the date upon which the notice was mailed. This section is not intended to require an agency to provide a copy of its mailing list to support the statement.
18. One (1) electronic file copy of each of the above documents listed under this section. The electronic files shall be suitable for immediate placement on the Commission's website for public viewing. Items 4 through 6, 11 through 13, and 15 listed under this section shall be in compliance with the Web Content Accessibility Guidelines 2.0, or a subsequent version, published by the Web Accessibility Initiative of the World Wide Web Consortium at a minimum Level AA success criteria. [See Government Code Section 11546.7(a).]

(b) The proposed building standards shall be submitted in the strikeout/underline format. If the proposed building standards amend existing building standards, all deletions must be shown in strikeout type and all additions, including punctuation, must be underlined. The provisions of this section may be waived by the Executive Director through written notification to the adopting agency.

Authority: Health and Safety Code Sections 18931 and 18949.6.

Reference: Government Code Section 11546.7(a) and Health and Safety Code Sections 18931 and 18949.6.

1-417. Final actions by the Commission and proposing agency.

(a) Following the close of the public comment period, and any public hearing, the Commission shall take one of the following actions on each received final rulemaking file proposing to adopt new, repeal, or amend building standards.

1. **Approve.** The Commission approves a proposed code change as submitted. The change is justified in terms of Health and Safety Code Section 18930.
2. **Disapprove.** The Commission disapproves a proposed code change as not justified in terms of Health and Safety Code Section 18930.
3. **Further study required.** The Commission finds that a proposed code change has merit but does not meet specified criteria of Health and Safety Code Section 18930. The change requires further study and justification by the proposing agency. The proposed code change may be submitted in a future code adoption cycle with further study and justification.
4. **Approve as amended.** The Commission approves a proposed code change as modified by the proposing Agency Director or authorized representative in accordance with an approved written delegation order. No modification shall be made that materially alters a requirement, right, responsibility, condition or prescription in the text made available to the public for comment in accordance with this chapter. The proposing agency shall justify the modification pursuant to Health and Safety Code Section 18930 in an amended justification consistent with the approval action submitted to the Commission within 15 days. Failure to submit the amended justification within that time is cause for disapproval.

(b) **Withdrawal.** A proposing agency may withdraw a proposed code change as determined appropriate at any time during the rulemaking process.

Authority: Health and Safety Code Sections 18929.1, 18949.6 and 18931(f).

Reference: Health and Safety Code Sections 18927, 18929 through 18932, 18934, 18935, 18936, 18949.1, 18949.2, 18949.3, 18949.5 and 18949.6.

1-419. Emergency building standards.

(a) Emergency building standards may be developed and acted on as provided in Health and Safety Code Sections 18937 through 18938 and other referenced or applicable provisions of California Building Standards Law (HS. Code, § 18901 et seq.) and the Administrative Procedure Act (Gov. Code, § 11340 et seq.). Emergency building standards shall be acted on within 30 days and shall not be effective until approved by the Commission and filed with the Secretary of State.

(b) Rulemaking files for emergency building standards submitted to the Commission for consideration shall include each of the following:

1. One (1) original Building Standards Face Sheet (BSC-1), with the wet signature of the agency director or designee.
2. One (1) copy of the Finding of Emergency satisfying requirements of Government Code Section 11346.1.
3. One (1) copy of the Express Terms illustrating the proposed emergency building standards.
4. One (1) copy of the written Nine-Point Criteria Analysis substantiating compliance with Health and Safety Code Section 18930.
5. Any supporting documentation on which the proposed emergency building standards are based.
6. One (1) electronic file copy of each of the above documents listed under subsection 1-419(b). The electronic documents shall be suitable for immediate placement on the Commission's website for public viewing. Items 2 through 5 listed under this subsection shall be in compliance with the Web Content Accessibility Guidelines 2.0, or a subsequent version, published by the Web Accessibility Initiative of the World Wide Web Consortium at a minimum Level AA success criteria. [See Government Code Section 11546.7(a).]

(c) The Commission shall make a ruling on the state agency's Finding of Emergency as to its compliance with Government Code Section 11346.1. If the Finding of Emergency is approved, the Commission shall consider the proposed emergency building standard and make a ruling to approve, disapprove, further study required, or approve as amended, consistent with Section 1-417(a) of this article.

(d) The Commission shall file approved emergency building standards with the Secretary of State at the earliest possible date following approval. Following the filing with the Secretary of State for an adopted emergency building standard, the Commission shall notify the affected state agency in writing of the filing date of the emergency building standard.

(e) Following the initial adoption of emergency building standards and if determined appropriate, the state agency responsible for the emergency building standards shall proceed to complete the certifying rulemaking process to make the emergency building standards permanent within 180 days in accordance with Government Code Section 11346.1 and Health and Safety Code Section 18938. Rulemaking files submitted to the Commission for certifying rulemaking shall include all applicable documents required by Section 1-415 of this article.

(f) Readoption of an emergency building standard pursuant to Government Code Section 11346.1(h) requires sending a notice of proposed action pursuant to Government Code Section 11346.1(a)(2).

In addition to fulfilling the requirements for submission of building standard actions described in this section and Sections 1-407, 1-411, 1-415 and 1-420 of this article, as applicable, a state proposing or adopting agency requesting approval for readoption of an emergency building standard shall provide the following:

1. A written statement providing specific facts demonstrating by substantial evidence that the agency has made substantial progress and proceeded with diligence to comply with Government Code Section 11346.1(e); and either
2. A statement that the emergency circumstances are unchanged since the initial adoption or prior readoption; or
3. An updated finding of emergency required by Government Code Section 11346.1(b) to reflect circumstances that have changed since the initial adoption or readoption.

(g) Rulemaking files for readoption of emergency building standards submitted to the Commission for consideration shall include each of the following:

1. One (1) original Building Standards Notice/Submission Face Sheet (BSC-1), with the wet signature of the agency director or designee.
2. One (1) copy of the Finding of Emergency previously approved by the Commission satisfying requirements of Government Code Section 11346.1 of this article.
3. One (1) copy of the statement relative to substantial progress, and the statement that the emergency remains unchanged or an updated finding of emergency, as appropriate. The statements and updated finding shall incorporate the provisions of Section 1-419(f) of this article.
4. One (1) copy of the Express Terms illustrating the approved/adopted emergency building standards.
5. One (1) copy of the written Nine-Point Criteria Analysis substantiating compliance with Health and Safety Code Section 18930.
6. Any supporting documentation on which the approved/adopted emergency building standards are based.
7. One (1) electronic file copy of each of the above documents listed under subsection 1-419(g). The electronic documents shall be suitable for immediate placement on the Commission's website for public viewing. Items 2 through 6 listed under this subsection shall be in compliance with the Web Content Accessibility Guidelines 2.0, or a subsequent version, published by the Web Accessibility Initiative of the World Wide Web Consortium at a minimum Level AA success criteria. [See Government Code Section 11546.7(a).]

Authority: Government Code Sections 11346.1 and 11346.5 and Health and Safety Code Sections 18930, 18937 and 18949.6.

Reference: Government Code Sections 11346.1, 11346.5 and 11546.7(a) and Health and Safety Code Sections 18913, 18930, 18935, 18937, 18938 and 18949.6.

1-420. State adopting agency submittals.

(a) All building standards and emergency building standards adopted by a state adopting agency must be approved by the Commission prior to codification pursuant to Health and Safety Code Section 18930. The submitted rulemaking file for approval shall satisfy all applicable provisions of the Administrative Procedure Act (Gov. Code, § 11340 et seq.).

(b) In accordance with Health and Safety Code Section 18935, the notice of proposed action and the initial statement of reasons shall be submitted to the Commission for review. The notice and the initial statement of reasons shall be submitted a minimum of 45 days in advance of the state adopting agency beginning its initial 45-day public comment period. Along with the notice and initial statement of reasons, the adopting agency shall include its initial express terms for review by the Commission.

After review and determination that the notice of proposed action and initial statement of reasons are in compliance with Article 5 of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code, the Commission shall approve the documents and notify the state adopting agency in writing within 5 calendar days of the approval. The Commission shall submit the notice of proposed action to the Office of Administrative Law (OAL) for publication in its California Regulatory Notice Register pursuant to OAL's procedures.

(c) The submitted rulemaking files for adopted building standards and emergency building standards shall contain and comply with the applicable related provisions in Sections 1-415 and 1-419 of this article, as appropriate.

After any hearings, the close of all public comment periods and the state adopting agency receiving approval from its commission, board or other approving body, a final rulemaking file shall be submitted to the Commission. The final rulemaking file shall consist of Items 1 through 17 of Section 1-415 of this article. Each final rulemaking file shall be organized and indexed to identify all items comprising the final rulemaking file.

(d) A representative of the submitting state adopting agency shall be present at the Commission's public meeting at which approval will be considered. The representative shall do the following:

1. Summarize the adopted building standards or emergency building standards.
2. Summarize the agency's activities to satisfy requirements for rulemaking.
3. Respond to any questions by the Commission.

Authority: Government Code Section 11346 et seq., and Health and Safety Code Sections 18930 and 18949.6.

Reference: Government Code Section 11346 et seq., and Health and Safety Code Sections 18930, 18935, 18937 and 18949.6.

1-421. Change without regulatory effect.

(a) Notwithstanding the rulemaking procedures specified in Article 4 of this chapter, a proposing or adopting agency may add to, revise or delete text published in Title 24 of the California Code of Regulations, with the approval of the Commission, when the change has no regulatory effect as provided in this section.

(b) A proposing or adopting agency acting pursuant to this section on provisions of Title 24 that are also adopted by other state agencies, shall obtain the written concurrence of the other agencies in regard to the change without regulatory effect.

(c) A change without regulatory effect is a change to the provisions of Title 24 that does not impose any new requirement for the design or construction of buildings and associated structures and equipment. A change without regulatory effect may include, but is not limited to:

1. Renumbering, reordering or relocating a regulatory provision;
2. Deleting a regulatory provision for which all statutory or constitutional authority has been repealed;
3. Deleting a regulatory provision held invalid in a judgment that has become final, entered by a California court of competent jurisdiction, a United States District Court located in the State of California, the United States Court of Appeals for the Ninth Circuit, or the United States Supreme Court; however, the Commission shall not approve any proposed change without

regulatory effect if the change is based on a superior court decision which invalidated the regulatory provision solely on the grounds that the underlying statute was unconstitutional;

4. Revising structure, syntax, cross-reference, grammar or punctuation;
5. Changing an "authority" or "reference" citation for a regulation; and
6. Making a regulatory provision consistent with a changed California statute if both of the following conditions are met:
   (A) The regulatory provision is inconsistent with and superseded by the changed statute, and
   (B) The state adopting agency or state proposing agency has no discretion to adopt a change which differs in substance from the one chosen.

(d) The rulemaking file for a change without regulatory effect to be submitted to the Commission for adoption or approval, and publication in Title 24 shall include the following:

1. A completed Building Standards Face Sheet (BSC-1) as required by Section 1-415 of this chapter; and
2. Express Terms illustrating the change in the form required by Section 1-415 of this chapter; and
3. A written statement for each section explaining how the change meets the requirements of Subsection (c) above; and
4. Pursuant to Subsection (b) above, a written statement by each state Agency that has adopted the provision being changed, concurring with the regulatory change. All such statements shall be signed by a duly authorized representative of the Agency.

(e) The Commission shall make a determination regarding a change submitted pursuant this section within thirty (30) days of its receipt. Within ten (10) days of making a determination, the Commission shall send written notification of the determination to the agency that submitted the change when:

1. The Commission determines that the submitted change meets the requirements of this section for a change without regulatory effect, the regulatory change shall be filed with the Secretary of State and the Commission shall publish the change in Title 24, California Code of Regulations.
2. The Commission determines that the submitted change does not meet the requirements of this section for a change without regulatory effect, or does not comply with the rulemaking requirements of this section, the written determination by the Commission shall provide sufficient itemization of the deficiencies. The agency may correct the rulemaking file for reconsideration by the Commission, or begin proceeding with a regulatory action pursuant to Article 4 of this chapter.

(f) An adoption or approval by the Commission of a change without regulatory effect shall be effective 30 days after filing with the Secretary of State. Health and Safety Code Section 18938(c) establishes the effective date as being 30 days after filing the amendment or repeal by the Commission with the Secretary of State.

Authority: Health and Safety Code Sections 18929.1, 18930, 18931(f) and 18946.6.

Reference: Health and Safety Code Sections 18929.1, 18930, 18931(f) and 18946.6.

ARTICLE 5—CITY, COUNTY, AND CITY AND COUNTY BUILDING PERMIT FEES

1-501. Purpose. This article establishes regulations for implementation of Health and Safety Code Sections 18931.6 and 18931.7, to require a surcharge on building permits in order to provide funds, upon appropriation, for the California Building Standards Commission, Department of Housing and Community Development and Office of the State Fire Marshal to use in carrying out the provisions of California Building Standards Law and of State Housing Law relating to building standards, with emphasis placed on the adoption, publication and educational efforts associated with green building standards. The fees are to be collected by cities, counties, and cities and counties and transmitted to the California Building Standards Commission. The fees are based on building permit valuation.

1-503. Definitions. The following terms are defined in Section 1-103. Definitions of this Chapter:

Building Standards Administration Special Revolving Fund (the Fund).

Department.

Fees, fractions thereof.

Office.

1-505. Fee assessment.

(a) Fees shall be levied on building permits required for all disciplines covered by Title 24, including, but not limited to, building, electrical, mechanical and plumbing, and for which a valuation is made.

(b) Fees are assessed at a rate of $4 per $100,000, or fractions thereof, of each building permit valuation, but not less than $1 per permit, as shown in Table 1-505:

TABLE 1-505—BUILDING PERMIT VALUATION FEE

BUILDING PERMIT VALUATION	FEE
$1 – $25,000	$1
$25,000.01 – $50,000	$2
$50,000.01 – $75,000	$3
$75,000.01 – $100,000	$4
Every $25,000 or fraction thereof above $100,000	Add $1

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1. Cities, counties, and cities and counties may retain up to ten percent (10%) of the fees for related administrative costs, code enforcement, and education as permitted by Health and Safety Code Section 18931.6.
2. When a building permit is issued and no valuation is made, the city, county, or city and county may exempt that permit from fee assessment.

(c) The Commission may reduce the rate of the fee by regulation upon determination that a lesser fee is sufficient to carry out the programs of the Commission, the Department and the Office. The Commission may establish a termination date or duration for the fee reduction period.

Authority: Government Code Section 11346 et seq. and Health and Safety Code Sections 18930.5, 18931(f), 18931.6, 18931.7 and 18949.6.

Reference: Government Code Section 11346 et seq. and Health and Safety Code Sections 18930.5, 18931(f), 18931.6, 18931.7 and 18949.6.

1-507. Fee collection.

(a) Cities, counties, and cities and counties shall submit fees each quarter, commencing with the quarter beginning January 1 and ending March 31, 2009, due on the 15th day of the following month.

1. Each quarter, a city, county, and city and county shall submit a completed Fee Report Form (BSC-2) and payment to the California Building Standards Commission for the fees collected that quarter.
2. A Contact Information Form (BSC-3) shall accompany the Fee Report Form and payment only when contact information changes. Such changes include the city, county, or city and county address, telephone number(s), office or department contact, and/or building official.
3. For a check payment, the check shall be mailed together with the certified quarterly Fee Report Form (BSC-2) and Contact Information Form as appropriate, to the California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833. For an electronic payment (see Note), the payment receipt shall be emailed together with the certified quarterly Fee Report Form (BSC-2), and Contact Information Form as appropriate, to BSASRF_Fee@dgs.ca.gov.

   Note: Only the CBSC-approved electronic payment platform shall be used for electronic payments. Forms, a detailed guidebook and information regarding the electronic payment platform are available at the Commission's Building Permit Fee webpage - dgs.ca.gov/BSC/BSASRF---The-Building-Permit-Fee.

(b) The Commission shall deposit the moneys collected into the Building Standards Administration Special Revolving Fund for use, upon appropriation, by the Commission, the Department, and the Office as specified in Section 1-501.

Authority: Health and Safety Code Sections 18909(c), 18929, 18930.5, 18931.6, 18931.7 and 18949.6.

Reference: Health and Safety Code Sections 18930.5, 18931.6 and 18931.7.

1-509. Request for refund of fees.

(a) When a city, county or city and county determines that excess fees were paid in error due to a miscalculation, a written request for refund may be filed with the California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833. The request for refund shall be submitted with all of the following:

1. A detailed summary describing the circumstances surrounding the miscalculation that occurred regarding the incorrect submission of fees;
2. Documentation that demonstrates how the amount error occurred, and showing the correct amount;
3. Written certification that the refund amount is accurate and true.

(b) Receipt of a request for refund of fees shall be acknowledged by the California Building Standards Commission in writing within 45 days of receipt. The acknowledgement shall include whether additional supporting documentation is required in order to verify the refund amount.

(c) Should a city, county, or city and county be delinquent in any past quarterly fee submissions, the past due quarterly fee reports and respective payments shall be made current prior to resolution regarding a refund.

Authority: Health and Safety Code Sections 18909(c), 18929, 18930.5, 18931.6, 18931.7 and 18949.6.

Reference: Health and Safety Code Sections 18930.5, 18931.6 and 18931.7.

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HISTORY NOTE APPENDIX FOR CHAPTER 1

Administrative Regulations for the California Building Standards Commission
California Code of Regulations, Title 24, Part 1

HISTORY:

The history notes for prior changes remain within the text of this code.

1. (BSC 1/89) Regular order by the California Building Standards Commission to amend Section 1-601, Part 1, Title 24, California Code of Regulations. Filed with the Secretary of State April 1990; effective April 17, 1990. Approved as a regular order by the California Building Standards Commission on April 16, 1990.
2. (BSC 2/92) Regular order by the California Building Standards Commission to adopt Section 1-901, Part 1, Title 24, California Code of Regulations. Filed with the Secretary of State February 10, 1994; effective March 12, 1994. Approved by the Office of Administrative Law on February 10, 1994.
3. (BSC 2/93) Regular order by the California Building Standards Commission to Amend Sections 1-402, 1-501, 1-603, 1-604, 1-801 and 1-802, 1-803, 1-804, 1-805, 1-806, 1-807, 1-808, 1-809, Part 1, Title 24, California Code of Regulations. Approved by Office of Administrative Law on January 27, 1995; filed at the Secretary of State on January 27, 1995; effective 30 days thereafter, which will be February 26, 1995. Publication date April 24, 1995.
4. (BSC 02/08) Article 1-9, Code Adoption Process. Amend Section 1-902 and add new Article 1-10, City, County, and City and County Building Permit Fees. Effective June 21, 2009.
5. (BSC 07/09) Supplement adding Section 1-1004 Development of Standards to Chapter 1. Effective on January 1, 2011.
6. (BSC 03/10) Repeal, amend and reformat Chapter 1 of the 2010 California Administrative Code, CCR Title 24, Part 1, effective on August 28, 2011.
7. (BSC 05/10) Add new Section 1-105 to Article 1 Use of Commission Indicia, effective on November 20, 2011.
8. (BSC 02/12) Amend Chapter 1, Article 1, Sections 1-101, 1-105, Article 2, Sections 1-201, 1-207, 1-209, 1-211, Article 4, Sections 4-411, 1-421, Article 5, Section 1-503. Approved by the California Building Standards Commission on January 23, 2013, filed with Secretary of State on January 28, 2013, and effective 30 days after filing with Secretary of State.
9. Errata to correct editorial errors within the preface and Chapter 1 of this code. Effective January 1, 2014.
10. (BSC 01/13) 2013 Intervening Cycle Supplement. Amendments and corrections to Article 1, Sections 1-101, 1-105 add website reference; Article 2, Sections 1-203 correct title of Commission, 1-209, 1-211 correct website references; Article 3, Section 1-307 correct title of Commission and add website reference; Article 4, Sections 1-407 correct grammatical editorial errors and add website reference, 1-413, 1-415, 1-415(a)4 clarify actions taken following public comment periods and clarify the application of "Approve as Amended," 1-419 clarify availability of rulemaking documents and add website reference, 1-421 clarify grammatical errors; Article 5, Sections 1-503, 1-505, 1-507 correct grammatical errors, clarify fee collection forms and add website reference. Approved by the California Building Standards Commission on July 22, 2014, filed with the Secretary of State on July 30, 2014, effective August 30, 2014.
11. (BSC 01/15) Amend Chapter 1, Article 1, Sections 1-101, 1-103; Article 2, Sections 1-205, 1-207, 1-209, Article 4, 1-404, Article 5, Section 1-509. Approved by the California Building Standards Commission on December 16, 2015, filed with the Secretary of State on December 21, 2015, and effective 30 days after filing with Secretary of State.
12. Errata to correct editorial errors within the preface as well as throughout various chapters in this code. Effective January 1, 2017.
13. (BSC 01/16) 2016 Intervening Cycle Supplement adopted by the California Building Standards Commission on June 20, 2017, filed with the Secretary of State on August 17, 2017, effective 30 days after filing.
14. (BSC 01/18) 2018 Triennial Code Adoption Cycle Amend Chapter 1, Article 1, Sections 1-101, 1-103; Article 2, Section 1-211; Article 3, Sections 1-309, 1-311, 1-313, 1-317, 1-321; Article 4, Sections 1-407, 1-411, 1-415, 1-419, 1-420 and 1-421. Added to Chapter 1, Article 4, new Section 1-408. Approved by the California Building Standards Commission on December 5, 2018, filed with the Secretary of State on December 7, 2018, and effective 30 days after filing with the Secretary of State pursuant to California Health and Safety Code, Section 18938.
15. Erratum to correct editorial errors in Chapter 1, Article 2: effective January 1, 2020.
16. 2019 Intervening Cycle Update (BSC 01/19) Adoption of amendments to the 2019 California Administrative Code (CAC). Approved by the California Building Standards Commission on August 13, 2020, published on January 1, 2021, effective 30 days after filing with Secretary of State.
17. (BSC 04/21) Amend Chapter 1, Article 2, Section 1-209, Article 4, Section 1-407, 1-411, 1-415, 1-419, Article 5, Section 1-507. Approved by the California Building Standards Commission on January 18, 2022, filed with the Secretary of State on February 2, 2022, and effective 30 days after filing with Secretary of State.
18. (BSC 01/22) Amend Chapter 1, Article 4, Sections 1-403, 1-409 and 1-413. Approved by the California Building Standards Commission on June 27, 2023, filed with the Secretary of State on June 30, 2023, and effective 30 days after filing with Secretary of State.
19. (BSC 04/24) Amend Chapter 1, Article 1, Section 1-101; Article 4, Sections 1-407, 1-408, 1-411, 1-413, 1-415, 1-419. Approved by the California Building Standards Commission on February 26, 2025. Filed with the Secretary of State on March 7, 2025, and effective January 1, 2026.

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CHAPTER

2

ADMINISTRATIVE REGULATIONS FOR THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD)

ARTICLE 2-1—GREEN BUILDING STANDARDS

2-101. Scope. The Department of Housing and Community (HCD) shall develop and propose for adoption to the California Building Standards Commission green building standards related to methods, materials or processes not under the authority of another state agency. HCD also may review and comment on proposals and proposed standards developed by other agencies in order to reduce or eliminate ambiguities or conflicts with HCD's residential standards or authority. The green building standards developed and proposed by HCD would be applicable for residential occupancies including, but not limited to, hotels, motels, lodging houses, apartment houses, dwellings, dormitories, condominiums, shelters for homeless persons, congregate residences, employee housing, factory-built housing and other types of dwellings containing sleeping accommodations with or without common toilets or cooking facilities. The administrative procedures for developing and proposing those standards shall be consistent with this article.

2-102. Development of standards.

(a) In developing green building standards, the Department of Housing and Community Development shall consult with state entities appropriate for specific standards including, but not limited to, the following state agencies:

1. The California Department of Resource Recycling and Recovery
2. The California Energy Resources Conservation and Development Commission
3. The California Air Resources Board
4. The California Department of Water Resources
5. The California Department of Transportation
6. The California Department of General Services
7. The California Department of Public Health
8. Office of the State Fire Marshal

(b) HCD also shall consult with representatives from each of the following:

1. Environmental advocacy groups
2. Interested city, county, or city and county government and code enforcement entities
3. The building construction and design industry
4. Interested public parties

(c) HCD may consult with and seek input from the entities and representatives identified in subsections (a) and (b) either by written comment or in a meeting format and shall consider all input provided during the development of the green building standards which is relevant to specific standards. HCD shall provide written responses to formal comments received during the public comment period for any proposed green building standard.

Authority: Health and Safety Code Sections 17921, 17922 and 19990.

Reference: Health and Safety Code Sections 17000 through 17060, 17910 through 17990 and 19960 through 19997.

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HISTORY NOTE APPENDIX FOR CHAPTER 2

Administrative Regulations for the Department of Housing and Community Development
California Code of Regulations, Title 24, Part 1

HISTORY:

The history notes for prior changes remain within the text of this code.

1. (HCD 05/09) Adoption of administrative provisions for green building code development in Part 1. Effective on February 13, 2010.

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CHAPTER

3

ADMINISTRATIVE REGULATIONS FOR THE OFFICE OF THE STATE FIRE MARSHAL (SFM)

ARTICLE 3-1—GENERAL PROVISIONS

3-101. Purpose. The State Fire Marshal shall prepare and adopt building standards in the California Building Standards Code relating to fire and panic safety. The State Fire Marshal shall enforce these regulations in all state-owned buildings, specified state-occupied buildings, and state institutions, and, to the extent permitted by law, buildings administered or occupied by the Regents of the University of California. Facilities constructed or altered pursuant to these regulations shall be in compliance with the California Code of Regulations, Title 24 related to the design aspects of the fire and life safety (FLS) elements, components and systems.

Authority: Health and Safety Code Sections 13108, 13145, 13146, 16022.5 and 17921.

Reference: Health and Safety Code Sections 13108, 13145, 13146, 16022.5 and 17921.

3-102. Scope. Title 24, California Code of Regulations (C.C.R.), known as the California Building Standards Code, designates building regulations that are applicable to the fire and life safety portions of the design, construction, reconstruction, rehabilitation, alteration or addition to any state-owned building, specified state-occupied buildings, and state institutions as defined in Article 3-2 Definitions, and, to the extent permitted by law, buildings administered or occupied by the Regents of the University of California. The term "specified state-occupied buildings" shall include all buildings, structures, appurtenances and related systems or facilities as defined in Section 13108 and Section 13146 of the Health and Safety Code, authorizing the Office of the State Fire Marshal (SFM) to carry out the functions and duties related to plan check, construction, use and inspections of the construction of state-owned buildings, specified state-occupied buildings, and state institutions.

Authority: Health and Safety Code Sections 13108, 13145, 13146, 16022.5 and 17921.

Reference: Health and Safety Code Sections 13108, 13145, 13146, 16022.5 and 17921.

3-103. Authority for enforcement of regulations. All duties and functions that relate to the fire and life safety aspects of state-owned buildings, specified state-occupied buildings, state institutions, and, to the extent permitted by law, buildings administered or occupied by the Regents of the University of California, construction for compliance with building standards; including but not limited to plan checking, and inspections have been vested by law in the Office of the State Fire Marshal.

Authority: Health and Safety Code Sections 13108, 13145, 13146, 16022.5 and 17921.

Reference: Health and Safety Code Sections 13108, 13145, 13146, 16022.5 and 17921.

3-104. Application of building standards. Building standards applicable to state-owned buildings, specified state-occupied buildings, and state institutions, and, to the extent permitted by law, buildings administered or occupied by the Regents of the University of California, are set forth in Parts 1, 2, 2.5, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, Title 24, C.C.R., and have been adopted as minimum design and construction standards upon which to base the approval of plans and specifications. These regulations shall not be construed to prevent the use of higher design standards or to restrict the use of new or innovative design or construction techniques. Where the designer desires to use innovative design or construction techniques not addressed in these regulations it shall be necessary to submit for review and approval information including computations, test data and recommendations covering the design in question. The designer shall confer with the SFM concerning the applicability of these innovative design or construction techniques to construction of state-owned, specified state-occupied, and state institutions prior to the submittal of plans and specifications. SFM must be satisfied that the degree of safety achieved by these innovative design and construction techniques is at least equivalent to that achieved by the regulations. The determination of the equivalency of the degree of safety shall be the responsibility of SFM.

Authority: Health and Safety Code Sections 13108, 13145, 13146, 16022.5 and 17921.

Reference: Health and Safety Code Sections 13108, 13145, 13146, 16022.5 and 17921.

3-105. Approval of construction, reconstruction, rehabilitation, alteration of or addition to any state-owned, specified state-occupied, and state institutions. Plans and specifications for any new state building or for the reconstruction, rehabilitation, alteration or addition to state buildings shall be submitted to SFM for approval as required by and in accordance with Health and Safety Code Sections 13108 through 13146.

Authority: Health and Safety Code Sections 13108, 13145, 13146, 16022.5 and 17921.

Reference: Health and Safety Code Sections 13108, 13145, 13146, 16022.5 and 17921.

ARTICLE 3-2—DEFINITIONS

PLANS. "Plans" as used in these regulations shall mean the drawings associated with the project, such as, but not limited to, specifications, vicinity maps, site plans, foundation plans, floor plans, ceiling plans, roof plans, cross-sections, interior elevations, exterior elevations and details that are used in conjunction with the project specifications, and that are necessary to accomplish construction in conformance with the requirements of the Health and Safety Code Section 13108.

SPECIAL INSPECTOR. A Special Inspector shall mean any person duly approved by the State Fire Marshal to perform construction inspections for a project.

SPECIFICATIONS. "Specifications" as used in these regulations shall mean the written document that is used in conjunction with the project plans to establish the job conditions, the quality and quantity of construction materials used in the project and the quality of workmanship required to accomplish the construction in conformance with the provisions of this Code.

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SPECIFIED STATE-OCCUPIED BUILDINGS. Any building, structure or area that meets any of the following criteria:

1. A building where the state has contracted into a build-to-suit lease.
2. A courthouse holding facility or trial court with a detention area.
3. A building used by the Department of Corrections and Rehabilitation (CDCR) as a community correctional reentry center.
4. 100% state occupied.
5. State-occupied areas in a state-leased building that is a high-rise and is 75 percent of the net area floor space or more occupied by state entities.
6. State-occupied areas in a building that contains 5,000 square feet or more space of state-leased Group H or Group L occupancy.
7. A state-leased building with facilities with the primary purpose of housing state records and/or state artifacts of historical significance.
8. Properties leased by California State University (CSU).
9. State institutions and their real property.
10. CAL FIRE occupied areas in leased buildings.
11. State-leased facilities where the governing body's fire protection services rely on an all-volunteer fire department.

Authority: Health and Safety Code Sections 13108, 13145, 13146, 16022.5 and 17921.

Reference: Health and Safety Code Sections 13108, 13143, 13145, 13146, 16022.5 and 17921.

STATE-OWNED BUILDING. A state-owned building shall mean any building owned by the state or a political subdivision thereof. A building or real property that is owned by or deeded to the state.

Authority: Health and Safety Code Sections 13108, 13108.5, 13114, 13143, 13143.2, 13143.6, 13145, 13146, 13210, 13211, 16022.5, 17921, 18949.2, Government Code Section 51189, Public Education Code 17074.50.

Reference(s): Health and Safety Code Sections 13108, 13143, 13145, 13146, 13211, 16022.5, 17921, 18949.2, Government Code Sections 51176, 51177, 51178 and 51179, Public Resources Code Sections 4201 through 4204.

HISTORY NOTE APPENDIX FOR CHAPTER 3

Administrative Regulations for the Office of the State Fire Marshal
California Code of Regulations, Title 24, Part 1

HISTORY:

The history notes for prior changes remain within the text of this code.

1. (SFM 03/21) Adoption of administrative provisions in Chapter 3, Part 1. Approved by the California Building Standards Commission on January 18, 2022, filed with the Secretary of State on February 2, 2022, and effective on January 1, 2023.
2. (SFM 01/22) Amend Chapter 3, Article 3-1, Sections 3-101, 3-102, 3-103, 3-104, and Article 3-2. Approved by the California Building Standards Commission on June 27, 2023, filed with the Secretary of State on June 30, 2023, and effective on July 1, 2024.
3. (SFM 03/24) Amend Chapter 3, Article 3-1, Section 3-104. Approved by the California Building Standards Commission on February 26, 2025, filed with the Secretary of State on March 7, 2025, and effective 30 days after filing with Secretary of State.

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CHAPTER

4

ADMINISTRATIVE REGULATIONS FOR THE DIVISION OF THE STATE ARCHITECT—STRUCTURAL SAFETY (DSA-SS)

ARTICLE 1—ESSENTIAL SERVICES BUILDINGS

4-201. Purpose. Essential services buildings constructed pursuant to these rules and regulations shall be designed and constructed to resist gravity forces, to minimize fire hazards and to resist, insofar as practical, the forces generated by winds and major earthquakes of the intensity and severity of the strongest anticipated at the building site without catastrophic collapse, but may experience some repairable architectural or structural damage. An essential services building as designed and constructed shall be capable of providing essential services to the public after a disaster. In addition, the equipment and other accessories that are necessary for the continued functioning of the essential services operation shall be anchored and braced to resist earthquake forces.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Section 16001.

4-202. Scope. These regulations apply to the administrative procedures concerning the construction, reconstruction, alteration of or addition to any essential services building under the jurisdiction of a city, city and county, county (including special fire districts) or the State of California.

When the enforcement agency is the Division of the State Architect (DSA) all parts of the *California Building Standards Code*, as contained in Title 24 of the California Code of Regulations and adopted by that agency designate the building regulations that shall apply to an essential services building. The term "essential services building" shall include all buildings, structures, appurtenances and related systems or facilities as defined in Section 4-207.

These rules and regulations establish reasonable standards and minimum requirements for the design and construction of an essential services building. An essential services building shall also be designed and constructed to conform to the regulations adopted by the California State Fire Marshal in Title 24, CCR, for the particular occupancy concerned.

When the enforcement agency is a local agency, the locally adopted editions of the model codes and the administrative regulations contained in Part 1 (Sections 4-201 through 4-222 and 4-243 through 4-249) Title 24, California Code of Regulations (CCR) designate the building regulations that shall apply to an essential services building. The term "essential services building" shall include all buildings, structures, appurtenances and related systems or facilities as defined in Section 4-207.

If the building standards and regulations adopted by the city, city and county or county agency responsible for building safety are more restrictive than those adopted in the applicable sections of Title 24, CCR, then the local building standards and regulations shall govern within its jurisdiction.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Section 16001.

4-203. Interpretation. No regulation shall be construed to deprive the enforcing agency of its right to exercise the powers conferred upon it by law or limit the enforcing agency in such enforcement as is necessary to secure the safety of construction as required in the Essential Services Seismic Safety Act (see "Act," Section 4-207.)

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Section 16001.

4-204. Delegation of authority. Any powers, duties and responsibilities pursuant to carrying out the provisions of the Essential Services Buildings Seismic Safety Act for the State Architect may be delegated by the State Architect to the Chief Structural Engineer, Division of the State Architect, subject to the direction of the State Architect.

Those powers, duties and responsibilities so delegated may include the observation of the implementation and administration of the Act, the adoption in consultation with local jurisdictions of the regulations necessary for carrying out the provisions of the Act, providing advice and assistance to local jurisdictions in matters concerning the Act or these regulations and acting as an appeals agency relative to the administration of the Act.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Section 16022.

4-205. Application of building standards. Building standards are set forth in Parts 2, 3, 4, 5, 6, 7, 9, 10, 11 and 12 of Title 24, CCR, and have been adopted as a basis for the approval of plans and specifications. These regulations shall not be construed to prevent the use of higher design standards nor to restrict the use of new or innovative design or construction techniques.

Where the designer desires to use innovative design or construction techniques not addressed in these regulations, it shall be necessary to submit for review and approval information including computations, test data and recommendations covering the design in question. The Division of the State Architect or local enforcement agency must be satisfied that the degree of safety achieved is equivalent to that achieved by the standards contained in Title 24, CCR. The enforcement agency review and approval of the innovative design or construction techniques shall precede the submission of plans and specifications utilizing these techniques.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Section 16001.

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4-206. Approval of new essential services buildings. Plans and specifications shall be submitted to the appropriate enforcement agency for every new owned or leased essential services building before the plans are adopted by the governing board, authority, owner, corporation or other agency proposing to construct any essential services building.

Before any agency may convert an existing building into an essential services building, that agency shall submit plans and specifications for the alteration of the building to the appropriate enforcement agency for approval. The plans shall provide for the alterations necessary for compliance with the requirements of these rules and regulations.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Section 16011.

4-207. Definitions. The words defined in this section shall have the meaning stated therein throughout the rules and regulations contained in Part 1 (Administrative), Title 24, CCR.

ACT shall mean the Essential Services Buildings Seismic Safety Act of 1986, Sections 16000-16023, inclusive, of the Health and Safety Code.

ADDITION shall mean an increase in floor area or volume of enclosed space that is physically attached to an existing building by connections that are required for transmitting vertical or horizontal loads between the addition and the existing structure. The area exemption in Section 16010 of the Act does not apply to additions to essential services buildings when the total area of the existing building and the addition exceeds 2,000 square feet. An "addition" that is not required to be physically attached either for its own support or for support of the existing building shall be separated as required by Part 2, Title 24, CCR, and shall be deemed to be the construction of a new essential services building.

ALTERATION shall mean changes within an existing building as defined in Part 2, Title 24, CCR. Alterations to existing essential services buildings shall conform to the requirements of Title 24, CCR. Major alterations will be permitted, provided the entire essential services building as modified, including the structural alterations or additions, conforms to the requirements of Title 24, CCR, if the area of the existing building, including additions, exceeds 2,000 square feet.

APPROVED PLANS AND SPECIFICATIONS shall mean plans, specifications, addenda and construction change documents that have been duly approved by the appropriate enforcement agency pursuant to Sections 16013 and 16016 of the Health and Safety Code and that are identified by a stamp bearing the name of the enforcement agency, the identification number, the date and the signature of the qualified reviewer as required in Section 16011 of the Act.

COMPLYING BUILDING shall mean a building that has been constructed or reconstructed in accordance with these rules and regulations.

CONSTRUCTION CHANGE DOCUMENT shall mean a construction document submitted by the responsible project architect or registered engineer and approved by DSA depicting a change to the approved plans and/or specifications after the construction contract has been let.

DIVISION OF THE STATE ARCHITECT, or **DIVISION** or the initials DSA shall mean the Division of the State Architect in the Department of General Services, State of California.

ENFORCEMENT AGENCY shall mean the Division of the State Architect for state-owned or state-leased buildings and shall mean the enforcement agency of any city, county or city and county having jurisdiction over locally owned or locally leased essential services facilities.

ESSENTIAL SERVICES BUILDING means any building, or any building a portion of which is used or designed to be used as a fire station, police station, emergency operations center, California Highway Patrol office, sheriff's office or emergency communication dispatch center.

EQUIPMENT shall mean all new or replacement equipment installed in any new or existing owned or leased building that is required for the functioning of the essential services operation. The installation of such equipment shall meet the support, bracing and anchorage requirements of Title 24, CCR. The area exemption in Section 16010 of the Act does not apply to the anchorage or bracing of equipment necessary to the operation of the essential services function.

FIRE STATION shall mean any building that contains the operational facilities, fire suppression, alarm and communications equipment necessary to respond to fire emergencies.

MAINTENANCE shall mean and include ordinary upkeep or repair work such as replacement in kind, repainting, replastering and reroofing.

NEW ESSENTIAL SERVICES BUILDING shall mean any newly erected essential services building or any existing building converted to essential services use subsequent to the effective date of the Act regardless of whether the building is owned or leased by the public agency. Existing buildings housing essential services facilities owned or leased by the state, a city, a city and county or a county prior to the effective date of the Act are exempt from these regulations. When a portion of a building is to be utilized for an essential services operation, the area so utilized and the utilities systems and components servicing the area shall be constructed according to these rules and regulations and shall be separated or protected from damage due to failures of other portions of the structure to the extent determined by the enforcement agency to insure continued functioning after an earthquake or other disaster. Ancillary buildings and facilities related to the essential services building function may be exempt from these regulations if the enforcement agency determines that such buildings and facilities are not necessary to the functioning of the essential services operation after an earthquake or other disaster.

NONSTRUCTURAL ALTERATIONS shall mean only such alterations that do not affect the safety of the essential services building and do not change, in any manner, its structural elements.

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OWNER for the purposes of these regulations shall mean the public agency responsible for the essential services functions performed under its authority within an essential services building. The owner is responsible for applying for and obtaining the approvals and certifications required by these regulations.

PLANS as used in these regulations shall mean the drawings associated with the project such as, but not limited to, vicinity maps, site plans, foundation plans, floor plans, ceiling plans, roof plans, cross-sections, interior elevations, exterior elevations and details that are used in conjunction with the project specifications and that are necessary to accomplish construction in conformance with the requirements of the Act.

POLICE STATION shall mean any building that contains the operational facilities and the alarm and communications equipment necessary to respond to police emergencies. This definition shall include the offices of local police departments, county sheriffs, California Highway Patrol and all offices necessary to the functioning of the essential services operation after an earthquake or other disaster.

PROJECT INSPECTOR shall mean any individual duly approved by the enforcement agency as the on-site inspector for a particular project. The Project Inspector shall be employed and paid by the owner and shall act under the general direction of the architect or registered engineer in general responsible charge of the project and under the supervision of the enforcement agency. The Project Inspector shall be responsible for inspecting all work included in the construction contract, except for work that must be inspected by an approved special inspector. (See Section 4-211 (c) for special inspection.)

RECONSTRUCTION is the repair of damage to an existing complying essential services building or an alteration of an existing noncomplying building to bring it into conformance with the safety standards established by these regulations for essential services buildings.

REGISTERED ENGINEER as used in these regulations shall mean a structural engineer, civil engineer, mechanical engineer or electrical engineer holding a valid certificate under Chapter 7, Division 3, of the *California Business and Professions Code*.

SPECIFICATIONS as used in these regulations shall mean the written document that is used in conjunction with the project plans to establish the job conditions, the quality and quantity of construction materials used in the project and the quality of workmanship required to accomplish the construction in conformance with the provisions of the Act.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Sections 16003, 16011, 16018 and 16019.

4-208. Application for approval of drawings and specifications.

(a) Before adopting plans and specifications, the agency responsible for the essential services function shall submit an application to the appropriate enforcing agency for written approval of said plans and specifications except where the new construction is a Type V or Type II-B one-story structure that contains 2000 square feet or less of floor area and is not located in a special studies zone as defined in Section 2622 of the Public Resources Code.

(b) An architect, structural engineer or civil engineer may act as the agent for the essential services agency when filing the application for approval of plans and specifications.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Sections 16010, 16011 and 16015.

4-209. Designation of responsibilities.

(a) **General responsible charge.** For every essential services building project there shall be an architect, structural engineer or civil engineer in general responsible charge of plans, specifications and observation of construction, except that plans, specifications and observation of construction may be under the responsible charge of a registered mechanical or electrical engineer for work involving only those respective branches of engineering. A project may be divided into parts, provided that each part is clearly defined by a building or similar distinct unit. The part, so defined, shall include all portions and utility systems or facilities necessary to the complete functioning of that part. Separate assignments of general responsible charge may be made for the parts.

(b) **Delegation of responsibility.** The architect, structural engineer or civil engineer in general responsible charge may delegate responsibility for any portion of the work to, or may employ, or retain other architects, structural engineers or civil engineers. Registered mechanical and electrical engineers may be delegated responsibility for the mechanical and electrical portions of the work, respectively.

(c) **Evidence of responsibility.** The stamp and signature of the architect or registered engineer on a plan, specification or other document shall be deemed evidence that full responsibility is assumed by the signator for the work shown thereon, including also those portions of the accompanying computations, specifications or plans that pertain to such work.

(d) **Alternates.** The applicant, or the architect or registered engineer having general or delegated responsibility, may name one or more persons to act as alternate(s) for the design and/or observations of the work of construction, provided such persons are architects or registered engineers who themselves are qualified under these regulations to assume the responsibility assigned.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Sections 16011, 16012 and 16015.

4-210. Plans, specifications, computations and other data.

(a) **General.** When an application is filed, it shall be accompanied by the required number of complete sets of the plans and specifications, the complete structural design calculations, site data and a fee as established by the enforcement agency.

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(b) **Plans.** Plans shall show the use or occupancy of all parts of the essential services buildings and shall give such other information as may be required to indicate the nature of the work proposed and to show compliance with the act and these regulations. The drawings shall be legible and sufficiently detailed and cross-referenced to show clearly the pertinent features of the construction, and shall have sufficient dimensions to be readily interpreted. Where a project includes several buildings, the plans for each shall be drawn independently except that details common to all need not be repeated. Submitted plans and specifications that are obviously incomplete or incorrect shall be returned to the architect or registered engineer in general responsible charge with a request for compliance with these regulations before checking is begun or resumed by the enforcement agency.

(c) **Specifications.** Specifications shall completely set forth the requirements for the various types of materials that will enter into the permanent construction and shall describe the methods not covered in the technical regulations that are to be used to obtain the required quality of the work shown on the plans.

(d) **Design computations.** Computations, stress diagrams and other pertinent data shall accompany the plans and specifications and shall be sufficiently complete so that calculations for individual structural members can be readily interpreted. The computations shall be prefaced by a statement clearly and concisely outlining the basis for the structural design and indicating the manner in which the proposed essential services building will resist vertical loads and horizontal forces. The computations shall be sufficiently complete to establish that the structure will resist the loads and forces prescribed in Part 2, Title 24, CCR. Assumed safe bearing pressures on soils and specified strengths of concrete shall be given in the computations and noted on the plans. Where unusual conditions occur, such additional data as are pertinent to the work shall be submitted.

(e) **Site data.** Site data for all essential services buildings covered by these regulations shall include a soil investigation report providing information on subsurface site work and laboratory testing, an evaluation of site soil conditions, a recommendation for the type of foundation to be used and an allowable design value for the soil bearing capacity. For all essential services building sites not exempted from the provisions of the Act, a geologic and earthquake hazard report including an evaluation of both known and potentially active local and regional fault systems, slope stability, liquefaction potential and other hazards shall be prepared by competent persons and submitted with the application, plans and specifications. All or parts of the geologic and earthquake hazard investigation and report may be waived by the enforcement agency when in the judgment of the enforcement agency those requirements are unnecessary and would not be beneficial to public safety.

(f) **Signatures required.** All plans and specifications submitted for approval shall bear the stamp and signature of the architect or professional engineer in general responsible charge of design. When responsibility for a portion of the work has been delegated, the plans and specifications covering that portion of design shall also bear the stamp and signature of the responsible registered engineer or architect.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Sections 16009, 16011, 16012, 16013 and 16014.

4-211. Observation and inspection of construction.

(a) **Observation by architect or registered engineer.** The Act provides that the observation of the work of construction, reconstruction, alteration or addition shall be under the general responsible charge of an architect, structural engineer, civil engineer or, under certain conditions, a registered mechanical or electrical engineer for work involving only those respective branches of engineering. A geotechnical engineer shall provide the observation for placement of fills and shall submit a verified report attesting to the compliance of the engineered fill.

(b) **Inspection by Project Inspector.** The owner must provide for and require competent, adequate and continuous inspection of all construction work by a Project Inspector approved for each individual project by the enforcement agency. The Project Inspector so approved shall cooperate with the architect or registered engineer in general responsible charge of the observation of the work of construction to ensure compliance with the approved drawings and specifications. The Project Inspector shall request interpretations and clarifications of the approved contract drawings and specifications when necessary from the responsible architect or registered engineer.

For every project there shall be a Project Inspector who shall have personal knowledge as defined in Section 16021 of the Health and Safety Code of all work done on the project or its parts. On large projects adequate inspection may require the employment of one or more approved assistant inspectors. The employment of special inspectors or assistant inspectors shall not be construed as relieving the Project Inspector of his/her duties and responsibilities under Sections 4-214 and 4-219 of these regulations. The Project Inspector shall, under the direction of the architect or engineer, be responsible for monitoring the work of the special inspectors and testing laboratories to ensure that the special inspection and testing program is satisfactorily completed.

No work shall be carried out except under the inspection of the Project Inspector approved by the enforcement agency. The Project Inspector shall have had at least three years equivalent experience in construction work of a type similar to that for which he/she is proposed as inspector, shall have a thorough knowledge of building materials and shall be able to read and interpret plans and specifications.

The cost of project inspection shall be paid for by the owner (see “Project Inspector” definition in Section 4-207).

(c) **Special inspection.** Special inspection by inspectors specially approved by the enforcement agency may be required for masonry construction, glued laminated timber fabrication, wood framing using timber connectors, concrete batching, shotcrete, prestressed concrete, structural steel fabrication, high-strength steel bolt installations, welding, pile driving, electrical work or mechanical work. The cost of all special inspectors required by this section shall be paid for by the owner.

The Project Inspector may perform special inspections if the Project Inspector has been specially approved for such purposes and has the time available to complete the special inspections in addition to project inspection work.

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The detailed inspection of all work covered by this section is the responsibility of the Project Inspector when special inspection is not provided. The enforcement agency may require special inspection for shop fabrication procedures that preclude the complete inspection of the work after assembly. The enforcement agency may require special inspection at the site in addition to those listed above if found necessary because of the special use of material or methods of construction.

Approved special inspectors shall submit verified reports as required by Section 4-214, for the special work covered. Special inspectors shall periodically submit reports of inspections to the enforcement agency, the architect, the registered engineer responsible for the observation of structural work and the Project Inspector. Construction work that the special inspector finds not to be in compliance with the approved plans and specifications, and that is not immediately corrected upon notifying the contractor, shall be reported immediately to the Project Inspector, the enforcement agency, the architect and the registered engineer responsible for observation of the structural work.

Authority: Health and Safety Code Sections 16017 and 16022.

Reference: Health and Safety Code Sections 16015, 16017, 16020 and 16021.

4-212. Supervision of construction by the enforcement agency. During the construction, reconstruction, repair, alteration of or addition to any essential services building, the enforcement agency as provided in the Act, shall make such site visits and observations as in its judgment is necessary or proper for enforcement of the Act and the protection of the safety of the occupants of the building and the public. If at any time as the work progresses it is found that modifications or changes are necessary to achieve compliance with building standards, the enforcement agency shall direct the architect or registered engineer in general responsible charge to prepare and submit documents covering such modifications or changes for the review and approval of the enforcement agency.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Sections 16001, 16009 and 16020.

4-213. Tests.

(a) **General.** Tests of materials are required as set forth in the approved plans and specifications and in Part 2, Title 24, CCR. Where job conditions warrant, the architect or registered engineer may waive certain tests with the approval of the enforcement agency. A list of all required tests of materials and of all required special inspections shall be prepared and submitted by the architect, structural engineer, or civil engineer in general responsible charge of the project at the time the plans and specifications are stamped for identification by the enforcement agency.

(b) **Test sampling.** Test samples or specimens of material for testing may be taken by the architect or registered engineer, the architect's or engineer's representative, the Project Inspector or a representative of the testing agency. In no case shall the contractor, his employee or a vendor select the samples or specimens.

(c) **Test reports.** One copy of all test reports shall be forwarded by the testing agency to the enforcement agency, the architect, the registered engineer responsible for observation of the structural work and the Project Inspector. Such reports shall include all tests made, regardless of whether such tests indicate that the material is satisfactory or unsatisfactory. Records of special sampling operations shall also be reported. The reports shall show that the material or materials were sampled and tested in accordance with the requirements of these regulations and with the approved plans and specifications. In the case of masonry or concrete, test reports shall show the specified design strength. Test reports shall also state whether or not the material or materials tested comply with the requirements of the approved plans and specifications.

(d) **Verification of test reports.** Each testing agency shall submit to the enforcement agency a verified report, covering all tests and inspections that were required to be performed as of the date that work on the project is suspended or the services of the testing laboratory are terminated, and at the completion of the project, covering all of required tests and inspections. The verified report shall be signed, under penalty of perjury, by the professional engineer charged with engineering managerial responsibility for the laboratory. The verified report shall indicate that all tests and inspections were made as required by the approved plans and specifications, and shall list any noncompliant tests or inspections that have not been resolved by the date of the verified report. In the event that not all required tests or inspections were made by the laboratory making this verified report, those tests and inspections not made shall be listed on the verified report.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Sections 16009, 16020 and 16021.

4-214. Verified reports. Sections 16020 and 16021 of the Act require that from time to time as the work of construction progresses, the architect or registered engineer in charge of observation of the work, each architect or registered engineer delegated responsibility for observation of a portion of the work, the Project Inspector, approved special inspectors and the contractor shall each make and sign under penalty of perjury, a duly verified report to the enforcement agency upon a prescribed form or forms, showing that of his or her own personal knowledge the work during the period covered by the report has been performed and materials have been used and installed in every material respect in compliance with the duly approved plans and specifications, and setting forth such detailed statement of fact as shall be required.

The term "personal knowledge" as applied to an architect or registered engineer means the personal knowledge that is obtained from periodic visits of reasonable frequency to the project site for the purpose of general observation of the work, and that is obtained from the reporting of others on the progress of the work, testing of materials, inspection and superintendence of the work. The exercise of reasonable diligence to obtain the facts is required.

The term "personal knowledge" as applied to an inspector means the actual personal knowledge that is obtained from the inspector's personal continuous inspection of the work in all stages of its progress. For work performed away from the site, the Project

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Inspector may obtain personal knowledge from the reporting of testing or special inspection of materials and workmanship for compliance with approved plans, specifications and applicable standards. The exercise of reasonable diligence to obtain the facts is required.

The term "personal knowledge" as applied to the contractor means the personal knowledge gained from constructing the building. The exercise of reasonable diligence to obtain the facts is required.

See Article 2, Section 4-240 and Article 3, Section 4-249 for the reporting requirements to state and local enforcement agencies, respectively.

Authority: Health and Safety Code Sections 16020, 16021 and 16022.

Reference: Health and Safety Code Sections 16020 and 16021.

4-215. Changes in the approved drawings and specifications.

(a) **General.** All work shall be executed in accordance with the approved plans and specifications except where documents authorizing changes have been submitted by the responsible architect or registered engineer to the enforcement agency for review and approval. These documents shall describe the authorized changes, show the increase or decrease in the contract cost involved and shall contain the signatures of the responsible architect or registered engineer and the owner and shall bear the approval stamp of the enforcement agency.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Sections 16011, 16013 and 16015.

4-216. Final certification of compliance. The certification of compliance for the essential services building shall be issued by the enforcement agency when the project has been completed in accordance with the requirements as to safety of design and construction with Sections 16000-16023 of the Health and Safety Code (Essential Services Buildings Seismic Safety Act) and with the requirements of these regulations. The certification of compliance will be evidenced by a letter or a certificate of occupancy each of which shall contain a statement that the building design and review and the work of construction have been completed in accordance with the requirements of Sections 16000 through 16023 of the Health and Safety Code and of Part 1, Title 24, CCR. The certificate of compliance will be directed to the owner of the essential services building.

Local enforcement agencies shall forward one copy of the certification of compliance to the DSA Headquarters Office in Sacramento.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Sections 16009 and 16022.

4-217. Duties of the architect and registered engineers.

(a) **General.** The architect or registered engineer is responsible to the owner and to the enforcement agency to see that the completed work conforms in every material respect to these regulations and the approved plans and specifications. The architect or registered engineer may, if so authorized, act as agent for the owner in completing and submitting the application to the enforcement agency.

The architect or registered engineer, in no way, is relieved of any responsibility by the activities of the enforcement agency in the performance of its duties.

(b) **General responsible charge.** The architect or registered engineer in general responsible charge shall advise the owner in regard to filing of the application for approval of plans, the selection of a Project Inspector and the selection of a testing laboratory. The architect or registered engineer shall prepare the plans, specifications, design computations and other data and shall prepare documents authorizing changes in the approved drawings and specifications when so directed by the owner or as required by conditions on the project. The architect or registered engineer shall make, or cause to be made, the corrections required on the various documents to comply with the requirements of these regulations and shall provide the Project Inspector and testing agency with a complete set of stamped plans, specifications and documents authorizing changes.

The enforcement agency directs all technical correspondence to the architect or registered engineer in general responsible charge of the project.

(c) **Architect or engineer verified reports.** All architects and registered engineers having responsibility for observation of the work of construction shall maintain such personal contact with the project as is necessary to assure themselves of compliance in every material respect with the approved plans and specifications and shall submit verified reports to the enforcement agency as required in Section 4-214. The architect or registered engineer in general responsible charge shall be responsible for the timely submittal of the required verified reports from the Project Inspector, the contractor and any other architects or engineers who have been delegated responsibility for observation of the work.

(d) **Testing program.** The architect or registered engineer in general responsible charge shall establish the extent of the testing of materials consistent with the needs of the particular project and shall issue specific instructions to the testing agency. The architect or registered engineer shall also notify the enforcement agency as to the disposition of materials noted on laboratory reports as not conforming to the approved plans and specifications.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Sections 16015 and 16020.

4-218. Duties of the mechanical and electrical engineers. The architect, structural engineer or civil engineer in general responsible charge retains overall responsibility for the mechanical and electrical portions of the work when the design responsibility for that work has been delegated and the plans have been prepared by registered mechanical and electrical engineers.

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Where plans, specifications and estimates for alterations or repairs only involve mechanical or electrical work, said plans, specifications and estimates may be prepared and the work of construction observed by a registered mechanical or electrical engineer, respectively, who shall be in general responsible charge.

The mechanical or electrical engineer shall fulfill the duties outlined in Section 4-217 when assuming general responsible charge and shall submit verified reports as required in Section 4-214. When accepting delegated responsibility, the mechanical or electrical engineer shall comply with the requirements of Sections 4-209 and 4-210 insofar as these may relate to the delegated work.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Section 16015.

4-219. Duties of the Project Inspector.

(a) **General.** The Project Inspector shall act under the general direction of the architect or registered engineer and under the supervision of the enforcement agency.

(b) **Duties.** The general duties of the Project Inspector in fulfilling project inspection responsibilities are as follows:

1. **Continuous inspection requirements.** The Project Inspector must have actual personal knowledge obtained by personal and continuous inspection of the work of construction in all stages of its progress that the requirements of the approved plans and specifications are being executed.

   Continuous inspection means complete inspection of every part of the work. Work, such as concrete work or masonry work that can be inspected only as it is placed, shall require the constant presence of the Project Inspector. Other types of work that can be completely inspected after the work is installed may be carried on while the Project Inspector is not present. In any case, the Project Inspector must personally inspect every part of the work. In no case shall the Project Inspector have or assume any duties that will prevent him or her from providing continuous inspection.

   The Project Inspector may obtain personal knowledge of the work of construction, either on-site or off-site, from the inspections performed by special inspectors or approved assistant inspectors and from the reporting of others on testing and inspection of materials and workmanship for compliance with the plans, specifications and applicable standards. The exercise of reasonable diligence to obtain the facts shall be required.
2. **Relations with the architect or engineer.** The Project Inspector shall work under the general direction of the architect or registered engineer. Any uncertainties in the inspector's comprehension of the plans and specifications shall be reported promptly to the architect or registered engineer for his/her interpretation and instructions. In no case shall the instructions of the architect or registered engineer be construed to cause work to be done that is not in conformity with the approved plans, specifications and documents authorizing changes.
3. **Job file.** The Project Inspector shall keep a file of approved plans and specifications (including all approved documents authorizing changes) on the job at all times.
4. **Construction procedure records.** The Project Inspector shall keep a record of certain construction procedures including, but not limited to the following:
   A. Concrete pouring operations. The records show the time and date of placing concrete and the time and date of removal of forms in each portion of the structure.
   B. Welding operations. The record shall include identification marks of welders, lists of defective welds, manner of correction of defects, etc.
   C. Penetration under the last ten (10) blows for each pile when piles are driven for foundations.

   All such records of construction procedures shall be kept on the job until the completion of the work. These records shall be made a part of the permanent records of the owner.
5. **Deviations.** The Project Inspector shall notify the contractor, in writing, of any deviations from the approved plans and specifications that are not immediately corrected by the contractor when brought to the contractor's attention. Copies of such notice shall be forwarded immediately to the architect or registered engineer and to the enforcement agency.

   Failure on the part of the Project Inspector to notify the contractor of deviations from the approved plans and specifications shall in no way relieve the contractor of any responsibility to complete the work covered by his or her contract in accordance with the approved plans and specifications and all laws and regulations.
6. **Verified reports.** The Project Inspector shall submit to the enforcement agency verified reports as required in Section 4-214.

(c) **Violations.** Failure, refusal or neglect on the part of the Project Inspector to notify the contractor of any work that does not comply with the requirements of the approved plans and specifications, or failure, refusal or neglect to report immediately, in writing any such violation to the architect or registered engineer, to the owner and to the enforcement agency shall constitute a violation of the Act and shall be cause for the enforcement agency to take action, which may result in withdrawal of the inspector's approval.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Sections 16017 and 16021.

4-220. Duties of the contractor.

(a) **Responsibilities.** It is the duty of the contractor to complete the work covered by his or her contract in accordance with the approved plans and specifications therefore. The contractor in no way is relieved of any responsibility by the activities of the architect, registered engineer, Project Inspector or the enforcement agency in the performance of their duties.

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(b) **Performance of the work.** The contractor shall study carefully the approved plans and specifications and shall plan his schedule of operations well ahead of time. If at any time it is discovered the work is being done that is not in accordance with the approved plans and specifications, the contractor shall correct the work immediately.

All inconsistencies or items that appear to be in error in the plans and specifications shall be promptly called to the attention of the architect or registered engineer, through the Project Inspector, for interpretation or correction. In no case, however, shall the instruction of the architect or registered engineer be construed to cause work to be done that is not in conformity with the approved plans, specifications, construction change documents and standards.

The contractor must notify the Project Inspector, in advance, of the commencement of construction of each and every aspect of the work.

(c) **Verified reports.** The contractor shall make and submit to the enforcement agency from time to time, verified reports as required in Section 4-214.

If work on the building is being done by independent contractors having contracts with the owner, verified reports shall be submitted by each contractor regardless of the type of work involved.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Section 16021.

4-221. Records. DSA shall maintain a record of the approved plans, specifications, addenda, construction change documents and letters of certification for state-owned or state-leased essential services buildings that have been certified as complying with the provisions of the Act. DSA shall also maintain a record of the letters of compliance for essential services buildings built under the jurisdiction of local enforcement agencies that have been submitted to DSA by those agencies.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Section 16022.

4-222. Advisory board.

(a) **General.** The State Architect may appoint an advisory board whose duty it is to serve in an advisory capacity to DSA in connection with administrative matters and with reference to regulations and requirements pertaining to the administration of the Act. This board shall also act as a board of review to which appeal can be made by owners, architects, engineers or other interested parties in case of disagreement with the interpretation by the local enforcement agencies and/or local appeals board of the Essential Services Buildings Seismic Safety Act or the regulations adopted pursuant thereto. For state agencies, the Advisory Board shall act as an appeals board for disagreements with the rulings, decisions, interpretations or acts of DSA.

(b) **Membership.** The said board shall consist of nine members appointed by the State Architect and four ex-officio members who are: State Architect, the Chief Structural Engineer of DSA, the California State Fire Marshal, the Executive Director of the Building Standards Commission and the Chairman of the Seismic Safety Commission. The ex-officio board members may appoint alternates to serve on the board as their representatives. Of the appointive members, one shall be an architect, one shall be a structural engineer, one shall be a civil engineer, one shall be a mechanical engineer or an electrical engineer, one shall be a representative of the League of California Cities, one shall be a representative of the County Supervisors Association, one shall be a representative of the California Building Officials, one shall be a representative of the California Fire Chiefs Association and one shall be a representative of a law enforcement agency. The appointive members shall serve at the pleasure of the State Architect. The State Architect will select appointive members from nominations solicited from the California Council, American Institute of Architects, the Structural Engineers Association of California, the Consulting Engineers and Land Surveyors Association of California, the California Building Officials, the League of California Cities, the County Supervisors Association, the California Peace Officers Association and from the California Fire Chiefs Association. The State Architect may also appoint additional ex-officio members. Ex-officio members are not entitled to vote in board actions.

(c) **Meetings.** The board shall elect its own chairperson and vice-chairperson and shall convene upon the call of the chairperson or the State Architect whenever it may be necessary in the chairperson's or State Architect's judgment for the board to meet. The board shall adopt such rules of procedure as are necessary to enable it to perform the obligations delegated to it. The chairperson of the board shall at his or her discretion or upon the instruction of the board designate subcommittees to study and report back to the board on any technical subject or matter for which an independent study is desired or regarding appeals that are made to the board from interpretations of the enforcement agencies. The board members will be reimbursed for their reasonable expenses in attending meetings but shall receive no compensation for their services.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Section 16022.

ARTICLE 2—STATE BUILDINGS

4-223. General. The provisions of Article 1 and Article 2 of these regulations shall apply to state-owned or state-leased essential services buildings. Article 2 requirements do not apply to essential services buildings under the jurisdiction of local enforcement agencies.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Section 16001.

4-224. Application for DSA approval of drawings and specifications.

(a) The written approval of drawings and specifications shall consist of a letter issued by DSA when the procedures of Section 4-229 of these regulations are completed.

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(b) The agency responsible for the essential services function shall submit an application, for the approval of drawings and specifications to DSA. A separate application shall be submitted for each essential services building or group of buildings on each site. Applications shall be submitted to DSA on Form DSA-1, Application for Approval of Plans and Specifications. DSA forms are available on the Internet at www.dgs.ca.gov/dsa, or at any of the DSA regional offices.

(c) The application shall contain a project name and location of the essential services building or buildings, the name of the architect or registered engineer in general responsible charge of the work, the names of the architects or registered engineers who have been delegated responsibility for portions of the work (see Section 4-209), the estimated cost of the project and all such other information as is requested on Form DSA-1 Application for Approval of Plans and Specifications.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Sections 16001 and 16011.

4-225. Designation of responsibility. In addition to the requirements of Section 4-209, Article 1 of these regulations, the following provisions shall apply:

(a) **Delegation of responsibility.** The architect, structural engineer or civil engineer in general responsible charge shall employ or retain, under his/her supervision, registered mechanical and electrical engineers to design and observe the construction of the mechanical and electrical portions of the work when these elements are significant to the safety of the building or its occupants or the continuing functioning of the building. The requirement for observation of construction of the mechanical and electrical portions of the work by the mechanical and electrical engineers may be waived where the mechanical and electrical elements are not considered to be significant to the safety of the building or its occupants or its continuing functioning and when special mechanical and electrical inspection in accordance with Section 4-211 is provided.

No delegation to or employment or retention of others shall be construed as relieving the architect, structural engineer or civil engineer in general responsible charge of his/her rights, duties and responsibilities under Section 16015 of the Act and Section 4-217 of these regulations.

(b) **Assumption of responsibility.** The architect, structural engineer or civil engineer who submits for approval plans and specifications for any project or any portion of any project that have been prepared by others shall assume responsibility for the safety of design of the completed construction and for the interpretation of and any necessary amplification of the plans and specifications of the project. He/she shall stamp and sign all plans submitted for approval to indicate his/her assumption of responsibility or may, in lieu thereof, stamp and sign, and submit plans prepared under his/her own charge. (See Section 4-210 for other signatures.) When an architect, structural engineer or civil engineer accepts the responsibility for completion of a project or a portion of a project relinquished by another, that architect, structural engineer or civil engineer thereby assumes responsibility as follows:

1. If the relinquishment occurs prior to the completion of the design documents, all responsibility shall be assumed. [See Section 4-225 (c) for the procedure.]
2. If the relinquishment occurs after the design drawings and specifications have been completed and approved by the enforcement agency, the assuming architect or registered engineer shall be responsible for the construction of the project in accordance with the design of the relinquishing architect or engineer. The assuming architect or registered engineer shall assume responsibility for the interpretation of and any necessary amplification of the plans and specifications and shall stamp and sign any such documents prepared for that purpose.

(c) **Acceptance of responsibility.** The assumption of general responsible charge or of delegated responsibility shall be clearly outlined, accepted and approved by the parties concerned including the owner. The enforcement agency shall be notified when any change is made in the individuals in general responsible charge or delegated responsible charge.

Form DSA-1, Application for Approval of Plans and Specifications, provides for the delegation of responsibility, but for unusual cases, or for changes in responsibility taking place after the plans have been submitted for approval, the delegation of responsibility, acceptances and approvals thereof, shall be submitted in letter form, which shall include an indication that the owner has been notified.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Sections 16011 and 16015.

4-226. Alternates in general responsible charge or delegated responsible charge. Alternates may be named on Form DSA-1, Application for Approval of Plans and Specifications, or in letter form. Letter forms shall be submitted to DSA prior to performance of work by the alternate and shall include an indication that the owner has been notified.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Section 16015.

4-227. Estimate of cost. Estimates of cost shall be based on the cost of construction prevailing at the time the plans and specifications for the project are submitted to DSA. The estimated cost of a project shall be increased as necessary to include the estimated cost of every alternate building or portion thereof shown on the plans and specifications as if each alternate building and portion were to be constructed separately and simultaneously.

When a contract amount, or the cumulative total of two or more contract amounts, exceeds the estimated cost by more than 30 percent, the estimated cost shall be revised. An additional fee based on the contract amount shall be paid before proceeding with the work. When the actual cost of constructing all the work shown on the approved plans is less than 70 percent of the estimated cost, a refund of overpaid fees may be claimed. (See Section 4-232 for actual cost.)

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Sections 16009 and 16011.

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4-228. Procedure for approval of application and voidance of application.

(a) **General.** After DSA has completed its review of the documents submitted with the application, the checked prints of the plans and specifications with the requests for corrections and/or additional information noted thereon shall be returned to the responsible architect or registered engineer. When plans and/or specifications require extensive corrections, a corrected set of prints of the plans and specifications shall be submitted for review if requested by DSA.

When the requested corrections have been made and/or the additional information as requested has been provided by the responsible architect or registered engineer, an employee representative of the architect or registered engineer shall return the check set of plans and specifications along with the original plan tracings, the corrected specification pages and specification master cover sheet to DSA for backchecking. The backcheck is a comparison of the corrected plans and specifications with the check set of plans and specifications and shall be accomplished either by a conference at the DSA office between the architect or registered engineer or his/her employee representative and the checking engineer or by mail in the case of minor corrections to which all parties have agreed.

Changes in plans and specifications, other than changes necessary for correction, made after submission for approval shall be brought to the attention of DSA in writing or by submission of revised plans identifying those changes clearly at the time of backchecking. Failure to give such notice may result in the voidance of any subsequent approval given to the plans and specifications.

All requested corrections shall be made, additional requested information furnished or original designs justified and a list of materials to be tested and special inspections to be made shall be supplied to DSA at the time of backcheck. When DSA deems that the corrected plans and specifications comply with these regulations and all parts of Title 24, CCR, that pertain to essential services building construction, DSA shall place its stamp of identification on the reproducible sheets of drawings and master cover sheet of the specifications. This stamp is affixed for purposes of identification only and shall not be construed as authorization to let the construction contracts.

One set of prints of the stamped plans and specifications shall be submitted to DSA. The submittal of the stamped prints of the plans and specifications is required before DSA will issue the written notice of approval of the application.

(b) **Approval of the application.** DSA shall issue to the owner of the essential services building a letter approving the application for the project upon receipt of the stamped copies of the approved plans and specifications. This letter shall constitute the approval of drawings and specifications as required by Section 16016 of the Health and Safety Code. No construction or fabrication work on an essential services building project shall commence until this approval in writing has been obtained.

DSA will retain one set of the stamped plans and specifications and other pertinent project information in its files as a permanent record of the compliance of the approved project documents.

(c) **Voidance of the application.** Any change, erasure, alteration or modification of any plans or specifications bearing the identification stamp of DSA may result in voidance of the approval of the application. However, the "written approval of plans" may be extended by DSA to include revised plans and specifications after documents are submitted for review and approved. (See Section 4-233 for revised plans and Section 4-215 for addenda and construction change documents.)

The procedures leading to written approval of plans shall be carried to conclusion without suspension or unnecessary delay. The application shall be void where either (1) prints from corrected plans or corrected original plans are not filed for backcheck and the backcheck is not completed within six months after the date of return of the checked plans to the architect or registered engineer, or (2) prints of the stamped plans and one set of the stamped specifications are not submitted to DSA files within two months after the date shown on the stamp of identification.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Sections 16009, 16011 and 16013.

4-229. Deferred approvals. Where a portion of the construction cannot be adequately detailed on the approved plans because of variations in product design and manufacture, the approval of plans for such portion, when specifically accepted by the enforcement agency, may be deferred until the material suppliers are selected provided the following conditions are met:

(a) The project plans clearly indicate that a deferred approval by the enforcement agency prior to the fabrication and installation is required for the indicated portions of the work.

(b) The project plans and specifications adequately describe the performance and loading criteria for such work.

(c) An architect or registered engineer stamps and signs the plans and specifications for the deferred approval items. The architect or engineer in general responsible charge of the design of the project shall submit the plans and specifications for the deferred approval item to the enforcement agency, with notation indicating that the deferred approval documents have been found to be in general conformance with the design of the building.

(d) Deferred approval shall not apply to the requirements of Section 4-210 (b), (c) and (d) with regard to the vertical and lateral load resisting systems and elements of the building. The plans, details, specifications and computations for the structural portions of the building shall provide sufficient information to permit a complete review when the project is submitted.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Sections 16009, 16011, 16012, 16013 and 16014.

4-230. Withdrawal of application. If a request is made by the owner of an essential services building for cancellation of the application and return of the plans and specifications, together with the fee paid, it will be granted only when the review of plans and specifications has not actually started. If the review of the plans and specifications has started, 30 percent of the paid fee will be refunded or applied to a new application for the same project.

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No refund will be allowed for projects upon which only the minimum fee has been paid. No refund will be allowed after a contract has been let for any portion of the work except as provided in Section 4-228.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Section 16009.

4-231. Fees. The filing fee required by DSA to accompany the submittal of project plans and specifications for essential services buildings shall be one and one-half percent (1.5%) of the first $1,000,000 of estimated cost and one and one-quarter percent (1.25%) of the excess of the estimated cost over $1,000,000 except that the minimum filing fee for any project shall be $250.

The words "filing fee" mean the fee that must accompany the application and the words "further fee" mean the fee that shall be paid to DSA if the actual cost exceeds the estimated cost by more than 5 percent.

The application for an essential services building is considered received when it, accompanied by the plans and specifications, structural design computations, site data and filing fee has been received by DSA and an application number has been assigned.

An Essential Services Building Account is hereby established in the Architecture Public Fund for the purpose of crediting the application fees paid by state agencies into the state treasury.

Authority: Health and Safety Code Sections 16022 and 16023.

Reference: Health and Safety Code Sections 16006, 16007 and 16009.

4-232. Project cost. For purposes of determining fees, both the estimated and actual costs of the project shall be the total outlay for all work included in the approved plans and specifications (exclusive of fees paid, but not recovered, for architectural engineering, inspection and testing services) regardless of whether the funds are provided by the state, local government authorities or agencies, or by private groups or individuals. In the event a building is converted to essential services building use, the cost shall include the value of the building. If work is done in portions, the actual cost shall be determined at the completion of each contract.

The estimated cost and the fee based thereon shall not be amended after plan check has started except as provided by Section 4-227 or for a permissible increase in the scope of the project. The scope of the project shall not be amended after bids for all or part of the project are opened. No portion of the fee can be returned after checking has started except as provided by Sections 4-227 and 4-230.

Actual project cost shall include all items that are normally considered to be contractor's operation costs such as owner furnished labor and materials, bond insurance and use of owner's facilities and shall not be reduced by chargebacks such as those for testing, inspection or overrun of contract time. All fees and/or reimbursable charges paid the construction managers shall be included in the actual cost of construction. When the contract for the work includes items not otherwise subject to the approval of DSA and not included in the approved plans and specifications, the actual cost shall include this work unless such costs are segregated bid items or by separately priced items of change orders, or by certified copy of a subcontractor's bid. Such segregation shall not be made by contract price breakdown or estimates.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Sections 16009 and 16011.

4-233. Revisions of plans and specifications.

(a) **General.** No additional fee is charged upon submission of revisions to the approved plans and specifications, provided that the entire matter is actually one transaction having to do with the same essential services building and the revisions do not require substantial review for safety of design. If the original plans are abandoned and the plans and specifications submitted in lieu thereof are in fact for a new project rather than an identical building or where a modified set of plans is for an essentially different structural concept, it is necessary that a new application be filed and fee paid. This is regardless of the fact that the building may have the same name, be of the same general size and be situated at the same location as the essential services building for which the original application was submitted.

(b) **Addenda.** Changes or alterations of the approved plans or specifications prior to letting a construction contract for the work involved shall be made by means of addenda. Addenda shall be stamped and signed by the architect or registered engineer in general responsible charge of preparation of the plans and specifications, and by the architect or registered engineer delegated responsibility for the portion affected by the addenda. Addenda shall be submitted to DSA for review and approval and as such become part of the approved contract documents.

(c) **Construction change documents.** Changes or alterations of the approved plans or specifications after a contract for the work has been let shall be made by means of construction change documents. Construction change documents shall state the reason for the change and shall be accompanied by supplementary drawings and calculations where necessary. All construction change documents shall be stamped and signed by the architect or registered engineer in general responsible charge of the work of construction of the project, and by the architect or registered engineer delegated responsibility for observation of the portion of the work of construction affected by the construction change documents. Construction change documents shall be submitted to DSA for review and approval and as such become part of the approved contract documents.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Section 16009.

4-234. Billing for further fees. The owner shall be billed for further fees upon completion of the project or portion thereof if fee is due. Claims for refunds of five dollars or less due to errors in cost reporting or fee computation shall be made within six months from the date of filing.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Section 16009.

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4-235. Time of beginning construction and partial construction. Construction work whether for a new essential services building, or for a reconstruction, alteration or addition project for an essential services building, shall not be commenced, and no contract shall be let until the owner has applied for and obtained from DSA the required written approval of plans and specifications. Construction of all work shown in the approved plans and specifications shall be commenced within one year after the approval of the application; otherwise the approval of the part not commenced shall be void unless DSA has been notified and an extension of the approval has been granted. DSA may require that the plans and specifications be revised to meet its current regulations before a renewal of the voided approval is granted. Renewal shall not be granted after a period of four years beyond the date of the application approval.

State agencies may complete all work or proceed with construction of any part of the work included in the approved plans and specifications with the intent of completing the work later.

All work done and materials used and installed must be in accordance with and in conformity to the approved plans and specifications. DSA shall be notified whenever work is being carried on and failure to give such notice may result in voidance of the approval of the plans and specifications.

An uncompleted building shall not be construed as having been constructed under the provisions of the Essential Services Building Seismic Safety Act.

Authority: Health and Safety Code Section 16022.
Reference: Health and Safety Code Section 16016.

4-236. Notice of start of construction. The architect or registered engineer responsible for the project shall give DSA written notification before construction is to be started. As soon as a contract has been let, the architect or registered engineer shall furnish to DSA on Form DSA-102, Contract Information, the name of the contractor, the contract price and the date of starting of construction. DSA forms are available on the Internet at www.dgs.ca.gov/dsa, or at any of the DSA regional offices.

Authority: Health and Safety Code Section 16022.
Reference: Health and Safety Code Section 16016.

4-237. Notice of suspension of construction. DSA shall be notified by the Project Inspector when (1) the construction is suspended for more than two weeks or (2) the construction is suspended or abandoned for any reason for a continuous period of one year following its commencement at which time the approval of DSA becomes void. DSA may reinstate the approval upon the request of the owner.

Authority: Health and Safety Code Section 16022.
Reference: Health and Safety Code Section 16009.

4-237.1 Stop work order.

(a) Whenever DSA finds any construction work being performed in a manner contrary to the provisions of this code and that would compromise the structural integrity of the building, the Department of General Services, State of California, is authorized to issue a stop work order.

(b) The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

(c) Any person who continues working the cited work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

Authority: Health and Safety Code Section 16022.
Reference: Health and Safety Code Section 16017.5.

4-238. Application for approval of Project Inspectors, Assistant Inspectors and special inspectors. For each essential services building project, an Inspector's Qualification Record, Form DSA-5, shall be submitted for the proposed Project Inspector, a proposed Assistant Inspector, and may be required by DSA to be submitted for a proposed special inspector. The proposed Project Inspector and any proposed Assistant Inspector shall be interviewed by the architect or registered engineer in general responsible charge of the project to determine his/her qualifications. The architect or registered engineer shall recommend to DSA the approval of the inspector based upon his/her determination of the competency of the candidate to perform the inspection work. Unless otherwise directed by the enforcing agency, special inspection reports shall be in accordance with Section 4-211(c) and submitted in a timely fashion as determined by the enforcing agency; special inspection reports indicating nonconformance shall be immediately submitted to the enforcing agency, the owner, the Project Inspector, the contractor, and the architect or registered engineer.

Form DSA-5 for the proposed inspector, with the signatures of the architect or registered engineer and the owner, shall be submitted to DSA for review and approval. In addition to the information supplied on the qualification record, DSA may require a personal interview with the proposed inspector, which may include oral and written examinations concerning inspection and testing procedures.

The submittal of the Inspector's Qualification Record for the Project Inspector shall be made a minimum of 10 days prior to the start of construction on the project. The submittal of the Inspector's Qualification Record for an Assistant Inspector, or when required for a special inspector, shall be made a minimum of 10 days prior to the use of the Assistant Inspector or special inspector on the project. DSA forms are available on the Internet at www.dgs.ca.gov/dsa, or at any of the DSA regional offices.

Authority: Health and Safety Code Sections 16017 and 16022.
Reference: Health and Safety Code Sections 16017 and 16021.

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4-239. Tests. In addition to the requirements of Section 4-213, Article 1 of these regulations, the following provisions shall apply:

(a) **Performance of tests.** The owner, with the recommendation of the architect or registered engineer shall select a qualified testing laboratory to conduct the tests. Sampling, preparation of samples and tests shall be in accordance with the standards as provided in the approved plans and specifications and in the applicable building regulations. Unless otherwise directed by the enforcing agency, test reports shall be in accordance with Section 4-213 and submitted in a timely fashion as determined by the enforcing agency. Where a sample has failed to pass the required tests, the test lab shall report immediately the deficiency to the enforcing agency, the owner, the Project Inspector, the contractor and the architect or registered engineer. The architect or registered engineer, subject to the approval of the enforcement agency, may permit retest of the sampled material.

(b) **Payments.** The owner shall pay for all tests. When in the opinion of the architect or registered engineer additional tests are required because of the manner in which the contractor executes his work, such tests shall be paid for by the owner but the amount paid may be collected from the contractor. Examples of such tests are: Tests of materials substituted for previously approved materials, retests made necessary by the failure of materials to comply with the requirements of the specifications and load tests necessary because certain portions of the structure have not fully met specification or plan requirements.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Sections 16009, 16020 and 16021.

4-240. Required filing of verified reports. Project Inspectors, approved special inspectors and contractors shall file verified reports on Form DSA-6. Architects and engineers shall file verified reports on Form DSA-6A/E. DSA forms are available on the Internet at www.dgs.ca.gov/dsa, or at any of the DSA regional offices.

Verified reports shall be filed with DSA as follows:

(a) By each contractor having a contract with the owner, at the completion of the contract.

(b) By the architect, registered engineers, Project Inspector and approved special inspectors at the completion of the essential services building.

(c) By the architect, registered engineers, Project Inspector and contractor at the suspension of all work for a period of more than one month.

(d) By the architect, registered engineer, Project Inspector, approved special inspector or contractor whose services in connection with the project have been terminated for any reason.

(e) At any time a verified report is requested by DSA.

Authority: Health and Safety Code Sections 16020, 16021 and 16022.

Reference: Health and Safety Code Sections 16020, 16021 and 16022.

4-241. Project Inspector's semimonthly reports. In addition to the verified reports required in Section 4-214, the Project Inspector shall make semimonthly reports of the progress of construction to the architect or registered engineer in general responsible charge. A copy of each such report shall be sent to the owner, the architect or engineer in general responsible charge and DSA. Semimonthly reports shall state the name, location and owner of the essential services building and shall contain the application number and file number of the project for identification purposes. The reports shall include a list of official visitors to the project and whom they represent, a brief statement of the work done, instructions received from the architect or registered engineer during the period covered by the report and pertinent information regarding any unusual conditions or questions that may have arisen at the job. Forms are not provided by DSA for semimonthly reports. Failure to comply with this section will be cause for withdrawal of the approval of the Project Inspector.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Section 16017.

4-242. Notifications by the Project Inspector. The Project Inspector shall notify DSA at the following times:

(a) When construction work on the project is started, or restarted, if previously suspended per Item (d) below.

(b) At least 48 hours in advance of the time when foundation trenches will be complete and ready for footing forms.

(c) At least 48 hours in advance of the first placement of foundation concrete and 24 hours in advance of any subsequent and significant concrete placement.

(d) When all work on the project is suspended for a period of more than two weeks.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Section 16017.

ARTICLE 3—LOCAL BUILDINGS

4-243. General.

(a) The provisions of Article 1 and Article 3 of these regulations shall apply to essential services buildings owned or leased by a city, city and county or county or a special fire district within these jurisdictions. The Division of the State Architect shall observe the implementation and administration of the provisions of the Essential Services Buildings Seismic Safety Act and these regulations pertaining to local jurisdictions under the authority granted in the Act.

(b) Local jurisdictions shall establish such administrative procedures as they deem necessary and proper for the enforcement of the provisions of the Act so long as those procedures do not conflict with the requirements of Articles 1 and 3 of these regulations. The enforcement of these regulations is the responsibility of an authorized official of the local enforcement agency.

Authority: Health and Safety Code Section 16022.

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Reference: Health and Safety Code Section 16001.

4-244. Approval of drawings and specifications.

(a) The required written approval of drawings and specifications may consist of either a building permit or other document as established by the enforcing agency.

(b) Written notification by the local enforcement agency to DSA shall be required when the written approval of the drawings and specifications is issued by the local enforcement agency. The written notification shall contain a project name and location for the essential services building, the name of the architect or registered engineer in general responsible charge of the work, the estimated cost of the project, the name of the qualified plan reviewer (the licensed architect or registered engineer responsible for the design review) and if available the name of the Project Inspector. The written notification shall also include a statement signed by an official of the enforcement agency that the plans and specifications and the review thereof has been accomplished in compliance with the provisions of the Act and of these regulations.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Sections 16001 and 16011.

4-245. Voidance of application. Any change, erasure, alteration or modification of any plans or specifications bearing the identification or approval stamp of the enforcement agency may result in voidance of the approval of the application. However, the "written approval of the plans" may be extended by the enforcement agency to include revised plans and specifications after documents are submitted for review and approved.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Sections 16009, 16011 and 16013.

4-246. Time of beginning of construction and partial construction. Construction work whether for a new essential services building, or for a reconstruction, alteration or addition project for an essential services building, shall not be commenced nor shall any contract be let until the owner has applied for and obtained from the enforcement agency the required written approval of plans and specifications.

All work done and materials used and installed must be in accordance with and in conformity to the approved plans and specifications. The enforcement agency shall be notified whenever work is being carried on and failure to give such notice may result in voidance of the approval of the plans and specifications.

An uncompleted building shall not be considered as having been constructed under the provisions of the Essential Services Buildings Seismic Safety Act.

Authority: Health and Safety Code Section 16002.

Reference: Health and Safety Code Section 16016.

4-247. Notice of start of construction. The architect or registered engineer responsible for the project shall give written notification to the enforcement agency before construction is to be started. The architect or registered engineer shall furnish the name of the contractor, the contract price and the date of starting of construction.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Section 16016.

4-248. Approval of the Project Inspector, Assistant Inspector and special inspectors by the enforcement agency.

(a) The enforcement agency shall review, for each individual project, the qualifications of the Project Inspector, any Assistant Inspector, and special inspectors proposed for an essential services buildings projects to determine the inspector's competency to do the inspection required for that particular project. The qualification review shall include, for the Project Inspector and any Assistant Inspector, an appraisal of the candidate's education and experience and a personal interview, which may include a written examination if deemed appropriate by the enforcement agency.

(b) The approval of the Project Inspector by the enforcement agency shall include information to the Project Inspector of the "personal knowledge" provisions of the Act and of the additional requirement that the Project Inspector shall not assume other duties that would preclude the inspector from obtaining personal knowledge required of all work of construction.

(c) Representatives of the enforcement agency shall from time to time visit the construction site to observe the work of construction and to monitor the performance of the Project Inspector. The construction work is subject to any inspections required by the enforcement agency.

Authority: Health and Safety Code Sections 16017 and 16022.

Reference: Health and Safety Code Sections 16017 and 16021.

4-249. Verified reports. The verified reports required by the Act to be filed by any architects, engineers, inspectors and contractors having responsibility for all or any portion of the construction work of the project shall be filed on a form prescribed by the enforcement agency. Original manual signatures of the architect, engineer, inspector and contractor are required on the verified report. Refer to Section 4-214 of these regulations for verified report requirements.

Authority: Health and Safety Code Sections 16020, 16021 and 16022.

Reference: Health and Safety Code Sections 16020 and 16021.

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GROUP
1
SAFETY OF CONSTRUCTION OF PUBLIC SCHOOLS

ARTICLE 1—GENERAL PROVISIONS

4-301. Purpose. School buildings constructed pursuant to these regulations are expected to resist earthquake forces generated by major earthquakes of the intensity and severity of the strongest experienced in California without catastrophic collapse, but may experience some reparable architectural or structural damage.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280 and 81130.

HISTORY:

1. Repealer of Group 1, Articles 1-6 (§§ 1-80) and new Group 1, Articles 1-5 (§§ 1-6, 8, 10, 10.5, 11-14, 16-26, 26.1, 26.2, 26.5-26.9, 27-40, 50, 51, 60, 61, 62, 80 and Appendix), filed 11-1-66; effective thirtieth day thereafter (Register 66, No. 38). For history of former sections see Registers 53, Nos. 15, 18; 54, No. 24; 55, No. 12; 56, No. 10; 59, No. 14; 60, Nos. 8, 16; 61, No. 19; 64, No. 13.
2. Amendment filed 6-29-76 as an emergency; designated effective 7-1-76 (Register 76, No. 27).
3. Certificate of Compliance filed 10-15-76 (Register 76, No. 42).
4. Amendment of NOTE filed 6-19-79; effective thirtieth day thereafter (Register 79, No. 25).
5. Repealer filed 9-24-82 by OAL pursuant to Government Code Section 11349.7 (j); effective thirtieth day thereafter (Register 82, No. 39).
6. *Repealer of Group 1 (Articles 1-5, Sections 2-80, not consecutive) and new Group 1 (Articles 1-9, Sections 1-55, not consecutive and Appendix) filed 9-8-83; effective 9-15-83 pursuant to Government Code Section 11346.2 (d) (Register 83, No. 40). For prior history, see Registers 79, No. 25; 77, No. 40; 76, No. 42; 76, No. 27; and 74, No. 38.
7. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-301, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-302. Scope.

(a) **General.** Part 2, Title 24, California Code of Regulations (C.C.R.), also known as the California Building Code, and Part 10, C.C.R., also known as the California Existing Building Code, designate the structural building regulations that shall apply to the design, construction, reconstruction, rehabilitation, alteration of or addition to any school building as defined in Sections 17283 and 81130.5 of the Education Code. The term "school building" shall include all buildings, structures, appurtenances and related systems or facilities as defined in Section 4-314.

These regulations establish reasonable standards and minimum requirements for the structural integrity of public school buildings to resist, insofar as practicable, the forces of gravity, wind and earthquake for the protection of life and property.

The design and construction of the mechanical and electrical systems in school buildings shall conform to the applicable building regulations in Title 24, C.C.R.

Further, the design and construction of school buildings shall comply with the regulations adopted by the Division of the State Architect/Access Compliance (DSA-AC) and the Office of the California State Fire Marshal for the particular occupancies concerned. (See Title 24, C.C.R.)

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280 and 81130.

(b) **Emergency buildings.** Installation of relocatable school buildings, used or designed to be used for school purposes following disasters such as earthquakes, fires, floods or unanticipated emergency classroom needs require approval by DSA. DSA has determined that compliance with the strict letter of the regulations may be impractical in these circumstances. The modifications to the regulations granted by DSA are as indicated here and are recorded and entered in the files of DSA in accordance with Section 4-304.

Emergency relocatable buildings must meet all the requirements of regulations with the following modifications and limitations:

1. The building is a one-story relocatable building no greater than 2,160 square feet in area.
2. Documentation is provided indicating the construction of the building superstructure is DSA certified in accordance with Section 4-339.
3. A foundation system is provided that has been accepted by DSA.
4. Observation and inspection of construction shall be in compliance with Section 4-333.
5. Verified reports shall be prepared and provided in compliance with Section 4-336.
6. DSA must be notified immediately by the district of the emergency need and the intent to use this section.
7. Within 14 days following the installation of these emergency buildings, the school district will notify DSA of the extent of the damage to their permanent school buildings or extent of emergency need and the number of emergency buildings installed to house displaced students.
8. Within 60 days following installation of these emergency buildings, the design professional representing the school district shall provide DSA with a complete project submittal in compliance with Article 3 of these regulations.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17282 and 17298.

* The reorganization of Group 1 is printed as a repealer and adoption for clarity.

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HISTORY:

1. Editorial correction of printing error (Register 83, No. 45).
2. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-302, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.
3. (DSA/SS 2/95) Regular order by the Division of the State Architect/ Structural Safety Section to amend Section 4-302(b). Filed with the Secretary of State on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

4-303. Delegation of authority. All powers, duties, responsibilities pursuant to carrying out the provisions of the Field Act vested by law in the Department of General Services have been delegated by the Department to the State Architect.

Authority: Education Code Sections 17310 and 81142.

Reference: Government Code Section 14607.

4-304. Alternate materials and methods of construction and modifications. The provisions of these regulations are not intended to prevent the use of any material or method of construction not specifically prescribed by these regulations, provided any alternate has been approved and its use authorized by DSA.

DSA may approve any such alternate, provided DSA finds that the proposed design is satisfactory and complies with the provisions of these regulations and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in these regulations in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.

DSA shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any action granting acceptance of an alternate shall be recorded and entered in the files of DSA.

When there are practical difficulties involved in carrying out the provisions of these regulations, DSA may grant modifications for individual cases. DSA shall first find that a special individual reason makes the strict letter of these regulations impractical and that the modification is in conformance with the intent and purpose of these regulations and that such modification does not lessen any fire protection requirements or any degree of structural integrity. The details of any action granting modifications shall be recorded and entered in the files of DSA.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280 and 81130.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-304, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-305. Application of building standards. Building standards applicable to public school buildings are set forth in Parts 2, 3, 4, 5, 6, 7, 9, 10, 11 and 12, Title 24, C.C.R., and have been adopted as minimum design and construction standards upon which to base the approval of plans and specifications. These regulations shall not be construed to prevent the use of higher design standards nor to restrict the use of new or innovative design or construction techniques.

Where the designer desires to use innovative design or construction techniques not addressed in these regulations it shall be necessary to submit for review and approval information including computations, test data and recommendations covering the design in question. The designer shall confer with DSA concerning the applicability of these innovative design or construction techniques to school building construction prior to the submittal of plans and specifications.

DSA must be satisfied that the degree of safety achieved by these innovative design and construction techniques is at least equivalent to that achieved by the regulations. This requirement shall apply to all buildings proposed for public school use for educational purposes as defined in these regulations. The proposed use of archaic building materials and structural systems such as those desired to be retained in buildings that have been designated as historically important shall be included in this provision. The determination of the equivalency of the degree of safety shall be the responsibility of DSA.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280 and 81130.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-305, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-306. Approval of new school buildings, rehabilitation of school buildings and additions to school buildings. Plans and specifications for any new school building or the rehabilitation of or addition to any school building, regardless of cost, shall be submitted to DSA for approval in accordance with Section 4-315.

All new construction work that is part of an addition project shall comply with currently effective regulations. Existing school buildings for which an addition project is proposed shall be retrofitted when required by Section 4-309(c).

Before the school board may award a contract or commence construction work for the rehabilitation of a structure already owned (including those pre-1933 buildings not retrofitted or subsequently abandoned for school use under the provisions of the Garrison Act), or an existing building that has been purchased or leased, into a school building, the school board shall submit application and plans of the building to DSA for approval. The plans shall provide for the retrofit necessary for full compliance with the requirements of currently effective regulations. Refer to Section 4-307 for rehabilitation of an existing nonconforming building for use as a school building.

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When a structural rehabilitation of an existing school building is required by Section 4-309(c) and DSA, the school board shall submit to DSA, prior to submittal of project application, a pre-application for the rehabilitation project, fees in accordance with Section 4-326, and an Evaluation and Design Criteria Report for approval. If the school board voluntarily elects to rehabilitate an existing school building to full compliance with the code, then a pre-application may be required by DSA. The report shall propose the methodologies for evaluation and design, and determination of acceptance criteria for nonconforming construction, and shall propose the material testing and condition assessment requirements for the rehabilitation. The approved Evaluation and Design Criteria Report shall establish the criteria for the evaluation and design to be used by the project design professionals and the material testing and condition assessment requirements. The seismic evaluation and retrofit design shall comply with the provisions of Sections 317 through 323, Part 10, Title 24, C.C.R.

The relocation or moving of an existing school building within the same school district or from one school district to another regardless of cost requires approval by DSA. (See Section 4-314 for definition of "relocation.")

The provisions of this section shall not apply to a "temporary-use building community college." (See Section 4-314 for definitions of "new school building" and "temporary-use building community college.")

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280 and 81130.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-306, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-307. Rehabilitation of an existing nonconforming building for use as a school building.

(a) An existing nonconforming building rehabilitated for use as a school building is considered, for the purpose of the application of Title 24, to be a new school building. Plans and specifications for rehabilitation of any existing nonconforming building, or portion thereof, for use as a school building shall provide for the retrofit necessary for compliance with the health and safety standards contained in Title 24, C. C. R., currently effective edition. Existing materials or systems not specifically prescribed in current safety standards are permitted to be evaluated for equivalency and approved in accordance with Section 4-304. The seismic evaluation and retrofit design shall comply with the provisions of Sections 317 through 323, Part 10, Title 24, C. C. R.

(b) A site that is currently not an existing school site, on which one or more existing nonconforming buildings are rehabilitated for use as school building(s), is considered to be a new school site for the purpose of the application of Title 24. Any building on a new school site that is not rehabilitated and approved as a school building shall not be used for school purposes and shall be subject to the provisions of Section 4-310.

(c) Prior to submittal of a project application for the rehabilitation of an existing nonconforming building, the school board shall submit to DSA a pre-application for the rehabilitation project, fees in accordance with Section 4-326, and an Evaluation and Design Criteria Report for approval. The report shall propose the methodologies for evaluation and design, and determination of acceptance criteria for nonconforming construction; and shall propose the material testing and condition assessment requirements for the rehabilitation. The approved Evaluation and Design Criteria Report establishes the criteria for the evaluation and design to be used by the project design professionals, and the material testing and condition assessment requirements.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280 and 81130.

4-308. Reconstruction or alteration projects not in excess of $100,000 in cost. Projects involving only reconstruction or alterations whose estimated costs do not exceed $100,000 do not require approval by DSA, but such approval can be obtained at the request of the school board and by compliance with these regulations. The cost of work classified as maintenance as defined in Section 4-314 shall not be considered for purposes of this section. The regulations of the Division of the State Architect/Access Compliance and of the California State Fire Marshal may apply to any project, including maintenance, regardless of cost. See Section 4-302.

In authorizing and completing the design and construction of projects with an estimated cost below $100,000 as described in this section, the school board assumes responsibility for employing an architect or a registered engineer to prepare the plans and specifications and for adequate inspection of the materials and work of construction to ensure compliance with the currently effective provisions of Title 24, C.C.R.

The dollar amount cited in this section shall be increased on an annual basis, according to an inflationary index governing construction costs that is selected and recognized by the Division of the State Architect. This annually adjusted dollar amount shall be published by DSA and made available to school boards and the public.

School construction projects shall not be subdivided for the purpose of evading the cost limitations of this section.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280, 17295, 81130 and 81133.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-308, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.
2. (DSA/SS 9/96) 1996 Annual Code Adoption Cycle will amend Section 4-308, of Part 1, Title 24, C.C.R. Filed with the Secretary of State on March 4, 1997; effective April 3, 1997. Approved by the California Building Standards Commission on February 6, 1997.

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4-309. Reconstruction or alteration projects in excess of $100,000 in cost.

(a) **General.** Plans and specifications for any reconstruction or alteration project exceeding $100,000 in cost shall be submitted to DSA for approval in accordance with Section 4-315, except as provided within this section. The cost of work classified as maintenance as defined in Section 4-314 shall not be considered for purposes of this section.

The dollar amounts cited in this section shall be increased on an annual basis, according to an inflationary index governing construction costs that is selected and recognized by DSA. This annually adjusted dollar amount shall be published by DSA and made available to school boards and the public.

School construction projects shall not be subdivided for the purpose of evading the cost limitations of this section.

All new construction work that is part of a reconstruction or alteration project shall comply with currently effective regulations for design and construction, where not otherwise regulated in this section.

Exception: Fire damage repair may be accomplished utilizing the approved plans and specifications for the original construction work. All regulations and standards in effect at the time of approval shall be complied with except that the testing and inspection requirements of current regulations shall apply to the reconstruction work. Minor modifications to the original approved plans may be made, subject to the approval of DSA, provided that they do not reduce the structural capacity of the building.

All reconstruction, alteration or addition affecting the existing structural elements carrying gravity load shall comply with Section 503.3, Part 10, Title 24, C.C.R.

Where any reconstruction, alteration or addition to an existing school building results in an increase to the seismic or wind forces in any lateral force-resisting structural component by more than 10 percent, or decrease the capacity or stiffness of any lateral force resisting structural component by more than 5 percent, cumulative since the original construction, then those affected components shall be made to comply with Section 319.1 or 317.7, Part 10, Title 24, C.C.R and Section 1609A, Part 2, Title 24, C.C.R. Only the affected components need be strengthened unless a rehabilitation is required for the entire building per Section 4-309(c). The capacity or stiffness of the lateral force-resisting structural component may include past strengthening that was approved and certified by DSA as the basis for the percentage comparison.

Voluntary lateral force-resisting system modifications may be used where permitted in Section 4-309(d).

When the estimated cost of a reconstruction or alteration project exceeds $100,000 but does not exceed $225,000, and a licensed structural engineer determines that the project does not include any work of a structural nature, approval of the project plans and specifications by DSA is not required, provided the following three items are completed:

1. The structural engineer shall submit a written statement to DSA, indicating that the project does not contain any work of a structural nature.
2. The design professional in general responsible charge of the project shall certify, in writing, that the plans and specifications for the project meet any applicable fire and life safety standards, and do not specify any work of construction that is regulated by the accessibility standards of Title 24. This certification shall be submitted to DSA, and shall bear the stamp and signature of the design professional.
3. Within 10 days of the completion of the project, a DSA certified Project Inspector shall sign and submit to DSA a verified report on a form prescribed by DSA, indicating that the project was completed in conformance with the plans and specifications.

(b) **Existing noncomplying, nonstructural elements.** Existing noncomplying, nonstructural elements discovered during the design or construction of a reconstruction, alteration or addition to an existing complying school building and directly affected by the work of construction shall be corrected to comply with the bracing and anchorage requirements of currently effective regulations.

(c) **Required rehabilitation.** Existing school buildings for which a reconstruction, alteration or addition project is proposed shall be evaluated and retrofitted as required to comply with currently effective regulations applicable to the rehabilitation of structural systems per Section 4-306, including wind and seismic force requirements, when any of the following conditions occur:

1. When the cost of the reconstruction, alteration, or addition project exceeds 50 percent of the replacement value of the existing building. Air-conditioning equipment and insulation materials costs, including installation, need not be included in the percentage of replacement value calculation. For the purposes of this section, the cost of the reconstruction, alteration or addition project need not include the cost of voluntary lateral force-resisting system modifications in accordance with Section 4-309(d), except the cost shall be included when the structure is located in a fault hazard zone and a geologic hazard report demonstrates that the structure is located within 50 feet of the trace of an active fault as defined in Section 4-317(e).
2. When the proposed work results in any of the following:
    A. An increase in the effective seismic weight, or wind force due to increase in surface area exposed to wind, in any story by more than 10 percent, cumulative since the original construction.
    B. A reduction in the lateral-force-resisting capacity or stiffness of any story in any one direction by more than 10 percent, cumulative since the original construction. For the purposes of evaluating the strength or stiffness reduction, any new strengthening as part of the project shall not be included. The capacity or stiffness of the lateral-force-resisting system may include past strengthening that was approved and certified by DSA as the basis for the percentage comparison.
    C. A structural irregularity that is prohibited in ASCE 7 Section 12.3.3.1 and Section 1617A.1.10, Part 2.

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3. When a change of occupancy results in a structure being reclassified to a higher risk category.

(d) **Voluntary lateral force-resisting system modifications.** Alterations to existing structural components or additions of new structural components that do not exceed the limitations of Section 4-309(c)2 for required rehabilitation and are initiated for the purpose of increasing the strength or stiffness of the lateral force-resisting system of an existing structure are permitted to be evaluated and designed in accordance with Section 317.11 of Part 10, Title 24, C.C.R. and Section 1609A, Part 2, Title 24, C.C.R. for voluntary lateral force-resisting system modifications.

(e) When building damage due to an earthquake or wind is repaired, all portions of the building associated to this damage shall be retrofitted to comply with currently effective regulations.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280, 17295, 81130 and 81133.

HISTORY:

1. New section filed 2-28-86; effective 30th day thereafter (Register 86, No. 9).
2. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-309, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-310. School garages, warehouses, storage and similar buildings, dwellings for employees and miscellaneous structures. The Act does not apply to buildings or structures constructed by a school district for the purpose of, and used solely for, storing buses and minor mechanical equipment or for nonschool use where such buildings or structures do not provide facilities for either pupils or teachers and are not intended to be entered by them as such for school purposes. Similarly, the Act does not apply to dwellings or personal residences for teachers or district employees or their family, nor to any building used by a community college district solely for student housing. The Act also does not apply to district-wide administrative buildings on sites separate from school sites, which are not to be used or entered by pupils or teachers, for school purposes. DSA approval for accessibility shall be required in accordance with Section 5-101. Approvals from other agencies may also be required. Such buildings or structures shall not be used for school purposes.

The Act does not apply to school-based health centers, social services or support services qualifying under the provisions of Education Code, Section 17296, housed in stand-alone buildings located on school property that are not to be used for school purposes. Approvals from other agencies will be required for these facilities. Proof of qualification and a copy of the building permit from the local building official will be required to be provided to DSA prior to start of construction.

It shall be the responsibility of the school board to take all necessary measures and precautions to prevent such use and to prevent injuries to pupils or teachers on school grounds as a result of collapse of such buildings or structures. Any such building excluded from the provisions of these regulations shall be posted with a sign pursuant to Sections 17368 and 81160 of the Education Code.

In authorizing and completing the design and construction of district-owned buildings as described in this section, the school board assumes responsibility for employing appropriately licensed architects or registered engineers to prepare the plans and specifications and for adequate inspection of the materials and work of construction to ensure compliance with the provisions of Parts 2, 3, 4, 5, 6, 9, 10, 11 and 12, Title 24, C.C.R., as adopted by the Building Standards Commission.

For these cases DSA requires that a resolution be passed by the school board stating that the building or structure shall not be used for school purposes and that no pupils or teachers, as such, will be permitted to use or enter the said building for said purposes or be subjected to a hazard resulting from its collapse. A copy of the resolution shall be submitted to DSA.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280, 17283, 17283.5, 17296, 17368, 81050.5, 81130, 81130.5 and 81160.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-310, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-311. Condemnation. DSA has no authority under the Act to order the closing of any school building. However, if requested by the school district or on DSA's own volition, DSA shall examine and report on the safety of structural aspects of any school building that appear to be deficient. The report shall state in writing to the school board whether or not the investigated structural aspects of the building are in compliance with the code in effect at the time of construction, and shall also state whether or not the building is safe for school use. (See Sections 4-345 and 4-346.)

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17311 and 81143.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-311, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-312. Demolition. Demolition is the entire razing or destruction of a school building or a school building unit. It is not necessary to secure the approval of DSA for such demolition. It is the responsibility of the school board to notify DSA of such demolition.

Approval by DSA is required for any partial demolition of existing buildings or any demolition that is part of a reconstruction, rehabilitation, alteration or addition.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17310 and 81142.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-312, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

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ARTICLE 2—DEFINITIONS

4-313. General. The words defined in Section 4-314 shall have the meaning stated therein throughout the regulations contained in Part 1, Section 4-300, et seq, Title 24, C.C.R.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17283, 81130, 81130.5 and 81529.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-313, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-314. Definitions.

ACT shall mean the Field Act, Sections 17280-17316 and 81130-81147, inclusive of the Education Code.

ADDITION as that term is used in these regulations shall mean an increase in permanently constructed floor area or volume of enclosed space placed immediately adjacent to or above and sharing use with an existing certified building. The addition may be of the same occupancy or a different occupancy and may be either structurally attached or structurally detached from the existing building. An existing building with an existing expansion joint, indicating that it was previously added on to at one time in the past, is considered one single building.

ALTERATION shall mean any construction or renovation to an existing certified building other than reconstruction, rehabilitation, or addition. The relocation or moving of an existing certified school building is considered to be a relocation, not an alteration, requiring filing of the plans and specifications with, and certification by, DSA.

APPROVED PLANS AND SPECIFICATIONS as used in these regulations shall mean plans, specifications, addenda, construction changes and other documents that have been duly approved by DSA pursuant to Sections 17295 and 81133 of the Education Code. The plans and specifications shall be identified by a stamp bearing the name "Division of the State Architect," the application number, initials of the plan reviewers and date of stamping. The written approval as required by Section 17297, Education Code, shall not be issued until a copy of plans and specifications bearing DSA's identification stamp is on file at the DSA.

ARCHITECT shall mean a certified architect holding a valid license under Chapter 3, Division 3, of the *California Business and Professions Code.*

CERTIFIED BUILDING shall mean a building that was constructed or reconstructed in accordance with Article 3 or 7 commencing with Sections 17280 and 81130, respectively, of the Education Code and with the regulations in effect at the time of their certification.

CONSTRUCTION CHANGE DOCUMENT shall mean a construction document submitted by the responsible project architect or registered engineer and approved by DSA depicting a change to the approved plans and/or specifications after the construction contract has been let.

DIVISION OF THE STATE ARCHITECT or **DIVISION**, or initials **DSA**, shall mean the Division of the State Architect in the Department of General Services, State of California. Approval, disapproval, orders and certificates of compliance shall be issued directly by the State Architect who shall act for the Department of General Services in carrying out the provisions of the Act.

GARRISON ACT (1939), Sections 17280–17316 and 81160–81192 of the Education Code, as amended, prescribes the actions to be taken by school board members to preclude personal liability for the continued use of unsafe school buildings.

GEOTECHNICAL ENGINEER shall mean a professional engineer holding a certificate to use the title geotechnical engineer, soil engineer or soils engineer under the law regulating the practice of civil engineering comprising Chapter 7 of Division 3, of the *California Business and Professions Code.*

INSPECTOR shall mean any person duly approved by DSA to perform construction inspection for a particular project. (See Sections 4-333 and 4-342.)

LABORATORY OF RECORD shall mean a laboratory selected by the school board and approved by DSA to conduct special inspection and/or material testing services for a particular project. (See Sections 4-335(a) and 4-335.1.)

MAINTENANCE shall mean and include ordinary upkeep or repair work such as replacements in kind, repainting, replastering and reroofing. Reroofing shall be limited to one additional application and shall include an examination of the structural elements of the roof, walls, ceilings and all other elements that may have suffered deterioration from moisture resulting from roof leaks. Maintenance shall not include work, other than repainting, on structural framing nor include the replacement of large mechanical, electrical or plumbing units or systems.

NEW SCHOOL BUILDING shall mean any newly erected school building and/or existing owned, leased or purchased building converted to school use and certified by DSA.

NONCONFORMING BUILDING is a building that has not been certified by DSA as a school building.

NONSTRUCTURAL ALTERATIONS shall mean only such alterations as do not affect the structural safety of the school building and that do not change, in any manner, its structural elements.

OFFSITE LOCATION is a building designated by the governing board to be used for less than full-time instruction in educational programs that require such offsite facilities in order to fulfill the objectives of the programs. Such designated buildings shall not be located on, or adjacent to, a school site and its primary use shall be for other than public school purposes. The designation of off-site location is subject to review by DSA. (See Education Code Section 81529.)

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PLANS as used in these regulations shall mean the drawings associated with the project such as, but not limited to, vicinity maps, site plans, foundation plans, floor plans, ceiling plans, roof plans, cross sections, interior elevations, exterior elevations and details.

PROFESSIONAL ENGINEER as used in these regulations shall mean an engineer holding a valid certificate under Chapter 7, Division 3, of the *California Business and Professions Code*, in the branch of engineering that is applicable.

PUPILS as used in these regulations shall mean persons who are performing a required activity or entering a building by virtue of being a pupil enrolled in an elementary or secondary school district or a community college district.

RECONSTRUCTION is the repair of damage to an existing certified school building.

REGISTERED ENGINEER as used in these regulations shall mean a structural engineer or a professional engineer as defined in this section.

REHABILITATION is the evaluation and resulting retrofit of an existing nonconforming building or a school building conforming to earlier code requirements to bring the building, or portion thereof, into conformance with the safety standards of the currently effective regulations, Parts 2, 3, 4, 5, 6, 8, 9, 10, 11 and 12, Title 24, C. C. R.

RELOCATABLE BUILDING is any building with an integral floor structure that is capable of being readily moved. (See Education Code Section 17350.) Relocatable buildings that are to be placed on substandard foundations not complying with the requirements of Part 2, Title 24, C.C.R., require a statement from the school district stating that the durability requirements for those foundations may be waived and acknowledging the temporary nature of the foundations.

RELOCATION shall mean the physical moving of any certified building either as a single unit or in parts from its original location to a new location on the same campus or on a different campus. Relocation of a building requires the approval of DSA.

RETROFIT is the construction of any new element or system, or the alteration of any existing element or system required for the rehabilitation of the building.

SCHOOL BOARD shall mean and include district Boards of Trustees, city or county Boards of Education and other appropriate authorities for which any school building used or designed to be used for elementary or secondary school or community college purposes is to be constructed, reconstructed, altered or added to by the state, or by any county, city, city and county, or other political subdivision, or by any school or community college district of any kind or character within the state, or by the United States government, or any agency thereof.

SCHOOL BUILDING as defined in Sections 17283 and 81130.5 of the Act is interpreted to include all structure and utility systems or facilities necessary to the complete functioning of the structures, used or designed to be used for instructional purposes, or intended to be entered by pupils or teachers for school purposes, or structures operated as school units, the failure of which would endanger pupils or teachers on school grounds or in school buildings. (See Section 4-310 for teacher or district employee residences.) "School Building" is also defined to include dwellings, including utility systems or facilities necessary to the complete functioning of the dwellings, used by pupils, teachers and school employees that are part of a campus where the primary use is for school purposes.

The following are not considered to be school buildings but may be submitted separately or may be included in the plans and specifications for a school building project and will be checked under the provisions of the Act if submitted by the school district: one-story buildings not over 250 square feet in area when used exclusively as accessory facilities to athletic fields (equipment storage, toilets, snack bars, ticket booths, etc.); greenhouses, barns and materials or equipment storage sheds, used exclusively for plant or animal production or protection and not used for classroom instruction (small groups of pupils and teachers may enter these structures for short periods of time); lighting poles less than 35 feet above the grade, antenna towers less than 35 feet above the grade; retaining walls less than 4 feet above the top of foundations and not supporting a surcharge, concrete or masonry fences less than 6 feet above adjacent grade, ballwalls or yard walls less than 6 feet above adjacent grade; signs, scoreboards or solid-clad fences less than 8 feet above adjacent grade; bleachers and grandstands five rows of seats or less above grade; playground equipment; flagpoles less than 35 feet above grade; open-mesh fences and baseball backstops and temporary-use community college buildings as defined below. For work described in this paragraph that is not submitted to DSA for approval under the Act, the school board assumes responsibility for employing appropriately licensed architects or registered engineers to prepare the plans and specifications and for adequate inspection of the materials and work of construction to ensure compliance with the provisions of Parts 2, 3, 4, 5, 6, 9, 10, 11 and 12, Title 24, C.C.R., as adopted by the Building Standards Commission.

Buildings and other structures constructed by students that upon completion of construction will not be used for school purposes and will not be entered by pupils or teachers are not considered school buildings and shall not be checked under the provisions of the Act. These student-constructed buildings shall not remain at the school site more than 90 days following completion, unless the building meets all the requirements of Section 4-310.

"School Building" in a complex operated by the state for correctional or forestry purposes shall include only those structures used or designed to be used for elementary or secondary school instruction or community college instruction. Living units, dining areas, administration buildings or structures used for support services in such correctional or forestry complexes shall not be considered school buildings for purposes of Field Act requirements.

SCHOOL DISTRICT as used in these regulations shall mean a Kindergarten through 12th grade school district of any kind or character within the state, a community college district of any kind or character within the state, a county office of education, elementary or secondary school operated by the United States government, or any agency thereof, and any elementary or secondary school administered directly by the State Department of Education.

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STRUCTURAL ENGINEER as used in these regulations shall mean a professional engineer holding a valid certificate to use the title structural engineer under the law regulating the practice of civil engineering comprising Chapter 7 of Division 3 of the *Business and Professions Code*, relating to professional engineers.

TEACHERS as used in these regulations shall mean persons who are performing a required activity or entering a building by virtue of being teachers employed by an elementary or secondary school district or a community college district.

TEMPORARY-USE BUILDING COMMUNITY COLLEGE is any community college building for which the intended use by the school district at the time of entering into a lease contract or agreement is not for more than three years from the date of first occupancy.

TEMPORARY-USE BUILDING K-12 is any temporary school buildings, other than those for community colleges, used or designed to be used for school purposes following disasters such as earthquakes, fires and floods, unanticipated emergency classroom needs or during modernization projects, for which repairs are in progress. The use of such buildings is limited to a maximum of three years.

WAIVER OF DURABILITY refers to a waiver, as may be requested by the school district, of certain durability requirements of Part 2, Title 24 for foundations of relocatable buildings.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280, 17283, 17283.5, 17405, 81050.5, 81130, 81130.5 and 81529.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-314, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

ARTICLE 3—APPROVAL OF DRAWINGS AND SPECIFICATIONS

4-315. Application for approval of drawings and specifications.

(a) **General.** Before awarding a contract or commencing with construction of a school building project, the school board shall submit an application to the Division of the State Architect and obtain written approval of the plans and specifications for any of the following:

1. The construction of any new school building, or rehabilitation of or addition to any existing school building. School building is defined in Section 4-314.
2. The reconstruction or alteration of an existing school building if the estimated cost exceeds $100,000. (See Sections 4-308 and 4-309.)
3. The lease or purchase of any relocatable building except where occupied as a temporary-use community college building.

   Exception: The school board may award a contract and commence construction of a "relocatable building" for emergency housing in compliance with 4-302(b).
4. The rehabilitation of a nonschool building to use as a "school building." (See Sections 4-306 and 4-307.)

It is not necessary to secure approval for maintenance work on school buildings, in accordance with Sections 4-308 and 4-309. See Section 4-314 for the definition of "maintenance."

(b) **Filing.** A separate application shall be submitted to DSA for each school building or group of school buildings on each school site. The application shall be submitted on a form prescribed by DSA. The application shall contain a project name for the school building or group of buildings, the name of the architect or registered engineer in general responsible charge of the work, the names of the architects or registered engineers who have been delegated responsibility for portions of the work (see Section 4-316), the estimated cost of the project and all such other information as is requested thereon.

(c) **Delayed filing.** In case the plans and specifications for the reconstruction or alteration of any school building have not been submitted to DSA under the assumption that the cost will not exceed $100,000, the school board shall, if the bids that are received indicate that the cost will be in excess of $100,000, delay letting a contract until such time as the plans and specifications have been submitted and the approval by DSA obtained. The contract or contracts, when made, shall be based on the duly approved plans and specifications.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17295, 17297, 17302, 81133 and 81138.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-315, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-316. Designation of responsibilities.

(a) **General responsible charge.** For every project there shall be an architect or structural engineer in general responsible charge of the preparation of the plans, specifications and observation of the work of construction.

Exception: Where the plans, specifications or work of construction do not involve architectural or structural work or changes, the said plans, specifications and observation of the work of construction may be under the responsible charge of a professional engineer qualified to perform services and registered in that branch of engineering applicable to the work.

A project may be divided into parts, provided that each part is clearly defined by a building or similar distinct unit. The part, so defined, shall include all portions and utility systems or facilities necessary to the complete functioning of that part.

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(b) **Delegation of responsibility.** The architect or structural engineer in general responsible charge may delegate responsibility for any portion of the preparation of the plans, specifications and observation of the work of construction, or may employ or retain, other architects or registered engineers. No delegation to, or employment or retention of others shall be construed as relieving the architect or structural engineer in general responsible charge of his or her rights, duties and responsibilities under Sections 17302 and 81138 of the Education Code and Sections 4-336, 4-341 and 4-344 of these regulations.

Subject to the provisions of the immediately precedent sentence, the architect or structural engineer in general responsible charge may employ or retain, under his or her supervision, professional engineers registered in the applicable branches of engineering to design and observe the construction, including the making of verified reports (see Section 4-336).

(c) **Assumption of responsibility.** The architect or registered engineer who has been delegated responsibility becomes the "responsible design professional" for that delegated portion of the work. Any design professional delegated responsibility for any portion of the work shall perform the duties prescribed in Section 4-341(c). Any design professional delegated responsibility for any portion of the observation of construction shall perform the duties prescribed in Section 4-341(f).

When an architect or registered engineer accepts the responsibility for completion of a project or portion of a project started by another, that architect or registered engineer thereby assumes responsibility as follows:

1. If the change in responsibility occurs prior to the approval of the design documents, all responsibility shall be assumed. (See first paragraph of this subsection for procedure.)
2. If the change in responsibility occurs after the design drawings and specifications have been approved by DSA, the assuming architect or registered engineer shall be responsible for the construction of the project in accordance with the design of the previous architect or engineer. The assuming architect or registered engineer shall assume responsibility for the interpretation of and any necessary amplification of the plans and specifications and shall stamp and sign any such documents prepared for that purpose.

(d) **Acceptance of responsibility.** The assumption of general responsible charge or of delegated responsibility shall be established by the following:

1. Acceptance as architect or registered engineer in general responsible charge for the preparation of the plans, specifications and observation of the work of construction shall be reported using the form(s) prescribed by DSA.
2. Acceptance as the responsible design professional to whom portions of the preparation of the plans and specifications has been delegated shall be reported using form(s) prescribed by DSA.
3. Acceptance as the responsible design professional to whom portions of the observation of work of construction has been delegated shall be reported using form(s) prescribed by DSA. Any change in the assumption of the general responsible charge or of delegated responsibility shall be reported using the form(s) prescribed by DSA. If no form is available for a specific delegation or change, the delegation of responsibility shall be reported in letter form, which shall include an indication that the school board has been notified.

(e) **Alternates.** The applicant, or the architect or registered engineer having general or delegated responsibility, may name one or more persons to act as alternate(s) for the design and/or observation of the work of construction, provided such persons are architects or registered engineers who themselves are qualified under these rules and regulations to assume the responsibility assigned.

Alternates shall be named on a form prescribed by DSA, or if no form is available, reported in letter form. Letters or forms shall be submitted to DSA prior to performance of work by the alternate and shall include an indication that the school board has been notified.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17302 and 81138.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-316, Part l, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-317. Plans, specifications, calculations and other data.

(a) **General.** An application for approval of plans and specifications shall be filed with DSA, and the plans and specifications, design calculations, site data and a fee payment calculated on the estimated cost shall be submitted in accordance with procedures established by DSA. The plans and specifications shall include the construction documents required by Section 5-103 of Title 24, Part 1, California Code of Regulations. (See Section 4-320.)

Exception: DSA may require that an application for projects using the collaborative process for project review per Education Code Section 17319 or 81133.1 be accompanied by the filing fees per Sections 4-320 and 5-104. The deadline for submittal of completed plans, specifications and supporting documentation shall be determined by DSA in consultation with the applicant, and shall not exceed 18 months from the application date. Failure to comply with the established deadline may result in voidance of the application.

Plans and specifications that when submitted are determined, through initial plan check, by DSA to be incomplete or incorrect, shall be returned to the architect or engineer in general responsible charge with a request for compliance with these regulations before detailed plan checking commences.

(b) **Plans.** Plans shall designate the use or occupancy of all parts of the school buildings and shall give such other information as may be required to indicate the nature of the work proposed and to show compliance with the act and these regulations. The plans shall be legible and sufficiently detailed and cross-referenced to show clearly the pertinent features of the construction, and shall

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have sufficient dimensions to be readily interpreted. Where a project includes several school buildings, the plans for each shall be drawn independently except that details common to all need not be repeated.

The architect or engineer in general responsible charge or the professional engineer delegated responsibility for the design of the structural system of the project shall design and detail the anchorage and bracing of nonstructural elements. The details for the bracing and anchorage of nonstructural elements shall be shown and cross-referenced on the drawings.

(c) **Specifications.** Specifications shall completely set forth the requirements for the various types of materials that will enter into permanent construction and shall describe the methods not covered in the technical regulations that are to be used to obtain the required quality of the work shown on the plans as described in the specifications.

Due to the difficulty of anticipating every unsatisfactory condition that might be found in existing construction where addition, alteration, rehabilitation or reconstruction work is proposed, the following clause or one of similar meaning shall be included in the specifications:

"Should any existing conditions such as deterioration or noncomplying construction be discovered that is not covered by the DSA approved documents wherein the finished work will not comply with Title 24, California Code of Regulations, a construction change document, or a separate set of plans and specifications, detailing and specifying the required repair work shall be submitted to and approved by DSA before proceeding with the repair work."

(d) **Design calculations.** Calculations, stress diagrams and other pertinent data shall accompany the plans and specifications and shall be sufficiently complete so that capacities for individual structural members and their connections can be verified without additional calculations. All assumptions used in the calculations and their bases shall be stated. The calculations shall be prefaced by a statement clearly and concisely outlining the basis for the structural design and indicating the manner in which the proposed school building will resist vertical loads and horizontal forces.

The calculations shall be sufficiently complete to establish that the structure will resist the loads and forces prescribed in Part 2, Title 24, C.C.R. Assumed safe bearing pressures on soils and specified strengths of concrete shall be given in calculations and noted on plans. Where unusual conditions occur, such additional data as are pertinent to the work shall be submitted.

(e) **Site data.** Site data for all school sites shall include a geotechnical engineering report including subsurface site work, laboratory testing, an evaluation of site soil conditions, a recommendation for the type of foundations to be used and an allowable design value for the soil-bearing capacity.

A geologic and earthquake hazard report shall be submitted with the application for all new school sites, and for all construction on existing school sites located in a Seismic Hazard Zone, an Alquist-Priolo Earthquake Fault Zone, or in a seismic hazard zone designated in the Safety Element of a Local General Plan. DSA may require a geologic and earthquake hazard study for any construction on a school site outside of the boundaries of any geologic hazard zone where a potential geologic hazard has been previously identified.

Reports shall be prepared, and signed by a California-certified engineering geologist and a California-registered geotechnical engineer. Geologic hazard reports shall include an evaluation of the potential for damage due to flooding.

No school building shall be constructed, rehabilitated, reconstructed or relocated within 50 feet of the trace of an active fault that has experienced surface displacement within Holocene time (approximately 11,000 years).

Exception: Reconstruction to repair damage that was not caused by fire, earthquake, flood, or other man-made or natural disasters is permitted.

(f) **Estimates of cost.** Estimates of cost shall be based on the cost prevailing at the time the plans and specifications are submitted to DSA. The estimated cost of a project shall be increased as necessary to include the estimated cost of every alternate building or portion thereof shown on the plans or specifications as if each alternate building and portion were to be constructed separately and simultaneously.

For projects using the collaborative process for project review per Education Code Section 17319 or 81133.1, the estimated cost of the project shall be based on the cost prevailing at the time that the application is submitted. Upon submittal of complete plans and specifications, DSA may require the applicant to revise the estimated cost based on prevailing costs at that time. If the estimated cost has increased, the applicant shall submit additional filing fees based on the revised estimated cost.

When a contract amount, or the cumulative total of two or more contract amounts, exceeds the estimated cost by more than 30 percent, the estimated cost may be revised. An additional fee, if required, based on the revised estimated cost of the revision shall be paid before proceeding with the work. When the actual cost of constructing all the work shown on the approved plans is less than 70 percent of the estimated cost, a refund of overpaid fees may be claimed. (See Section 4-322 for actual cost and Section 4-325 for billing for further fees.)

(g) **Deferred submittals.** Only where a portion of the construction cannot be adequately detailed on the approved plans because of variations in product design and/or manufacturer, the approval of plans for such portion, when specifically accepted by DSA, may be deferred until the material suppliers are selected, provided the following conditions are met:

1. The project plans clearly indicate that DSA approval of the deferred submittal is required for the indicated portions of the work prior to fabrication and installation.
2. The project plans and specifications adequately describe the performance and loading criteria for such work.
3. A California licensed architect or California registered engineer stamps and signs the plans and specifications for the deferred submittal item. The architect or engineer in general responsible charge of the design of the project shall submit

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the plans and specifications for the deferred submittal item to DSA, with notation indicating that the deferred submittal documents have been found to be in general conformance with the design of the building.

4. Fabrication of deferred submittal items shall not begin without first obtaining the approval of deferred portions of the plans and specifications by DSA.

(h) **Signatures required.** The original signature sheet for the specifications and all plans, submitted for approval shall bear the stamp and signature of the architect or professional engineer in general responsible charge of the design of the project.

When responsibility for a portion of the work has been delegated, the plans and the original cover sheet for the specifications covering that portion of the design shall bear the signature and stamp of the responsible professional engineer or architect to whom the work has been delegated as well as that of the architect or engineer in general responsible charge. As an option, the architect or engineer in general responsible charge may sign the documents with notation indicating that the documents have been coordinated with the design documents and found to be in general conformance with the design.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17212, 17212.5, 17299, 17319, 81033, 81133.1 and 81135.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-317, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-318. Procedure for approval of application and voidance of application.

(a) **General.** After DSA has completed its check of the documents submitted with the application, the plans and specifications, with the items marked for corrections and/or requests for additional information noted thereon, shall be returned to the architect or registered engineer in general responsible charge. When plans or specifications require extensive corrections, a corrected set of the plans and specifications shall be submitted for review if requested by DSA.

When the requested corrections have been made and the requested information has been provided by the architect or registered engineer in general responsible charge, an employee representative shall submit corrected plans and specifications to DSA for back-checking. The back-check is a comparison of the corrected plans and specifications with the check set of plans and specifications and shall be accomplished by either an independent review by DSA or a conference between a knowledgeable employee representative of the architect or registered engineer in general responsible charge and DSA.

Changes in the plans or specifications, other than changes necessary for correction, made after submission for approval, shall be brought to the attention of DSA in writing or by submission of revised plans identifying those changes clearly at the time of back-checking. Failure to give such notice may result in the voidance of any subsequent approval given to the plans and specifications.

All requested corrections shall be made, additional requested information furnished or original design justified prior to or at the time of the back-check. When DSA deems that the corrected plans and specifications comply with these regulations and those parts of Title 24, CCR, that pertain to public school construction, DSA shall place its stamp on each sheet of the plans and the cover sheet of the specifications. The stamped plans and specifications will be retained by DSA in electronic format that constitutes the record set. DSA will make the record set files available to the school district for their use and distribution.

(b) **Approval of application.** DSA shall issue to the school district written approval of the application for the project within five working days of stamping the approved plans and specifications. This written approval shall constitute the "written approval of the plans, as to safety of design and construction" required by Sections 17297 and 81134, Education Code, before letting a contract for any construction. (See Section 4-330 for construction time limitations.)

(c) **Voidance of application.** Any change, erasure, alteration or modification of any plans or specification bearing the stamp of DSA may result in voidance of the approval of the application. However, the "written approval of plans" may be extended by DSA to include revised plans and specifications after documents are submitted for review and approved. (See Section 4-323 for revised plans and Section 4-338 for addenda and construction changes.)

The entire application or remaining unapproved increment(s) may be voided by DSA if corrected plans are not filed for back-check within six months after the date of return of checked plans to the architect or engineer. Any remaining unapproved increment(s) of the application may be voided by DSA if more than six months have elapsed since the last approval of an increment has been issued, and subsequent incremental plans and specifications have not been received by DSA for review.

For voided applications or increments, 30 percent of the total structural portion of the fee will be refunded. For increments that are voided but the review has not commenced, 100 percent of the structural portion of the fee for those increments will be refunded. However, no refund will be allowed for projects for which only the minimum fee has been paid.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17295, 17297, 17307, 81133 and 81134.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-318, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-319. Withdrawal of application. If the applicant requests the cancellation or withdrawal of the application or incremental submittal(s) of an application, the paid fee shall be returned unless the review has begun. If review of plans and specifications has commenced, 30 percent of the structural fee will be refunded or applied to a new application for the same project. However, no refund will be allowed for projects for which only the minimum fee has been paid.

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No refund will be allowed for projects upon which only the minimum fee has been paid. No refund will be allowed after a contract has been let for any portion of the work except as provided by Section 4-317(f).

For projects using the collaborative process for project review per Education Code Section 17319 or 81133.1, if the project application or incremental submittal(s) is voided, canceled or withdrawn, then costs incurred by DSA will be deducted from any refunded fees.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17295, 17300, 81133 and 81136.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-319, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

ARTICLE 4—FEES

4-320. Application fees. The fees required by Sections 17300 and 81136 of the Education Code shall be in accordance with Section 4-321. The fee schedule in effect at the time of filing shall apply throughout the duration of such application. A list of prior fee schedules is available upon request from DSA. The words "filing fee" mean the fee that shall accompany the application, or as corrected pursuant to Section 4-317(f), and the words "further fee" mean the fee that shall be paid to DSA if the actual cost exceeds the estimated cost by more than 5 percent. The application is considered to be received when it, accompanied by the plans and specifications, structural design computations, other required documents and filing fee, has been received by DSA, and the application number assigned.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17300 and 81133.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-320, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-321. Fee Schedule 11. The filing fee for projects shall be a maximum of 1.25 percent of the first $1,000,000 of estimated cost and a maximum of 1.0 percent on the excess of the estimated cost over $1,000,000, except that the minimum fee in any case shall be $250.00. The maximum percentages may be subject to adjustment through enforcement agency policy in accordance with the Education Code.

If the actual cost exceeds the estimated cost by more than 5 percent, the further fee for such projects shall be equal to the difference between the filing fee paid and the amount computed under Fee Schedule 11 on the actual cost, the actual cost being determined according to Section 4-322.

Authority: Education Code Sections 17300, 17301, 17310, 81133 and 81142.

Reference: Education Code Sections 17280, 17300, 81130, 81133 and 81142.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-321.1, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.
2. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-321.2, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-322. Project cost. For purposes of determining fees, both the estimated and actual costs of the project shall be the total outlay for all work included in the approved plans and specifications (exclusive of fees paid, but not recovered, for architectural, engineering, inspection and testing services) regardless of whether the funds are provided by the school district, by other public or private agencies or by individuals. The cost shall include any moving or relocation. In the event a building is converted to school use (see Section 4-306) the cost shall include the current replacement cost of the building. The current replacement cost shall be computed by multiplying an appropriate square foot cost by the total square foot area of the building being converted to school use. If work is done in portions the actual cost shall be determined at the completion of each contract. (See Section 4-325.)

The estimated cost and the fee based thereon shall not be amended after plan check has started except as provided by Section 4-317(f) or for permissible increase in scope of project. The scope of a project shall not be amended after bids for all or part of the project are opened. No portion of the fee can be returned after checking has been started except as provided by Sections 4-317(f) and 4-319.

Actual cost shall include all items that are normally considered to be contractor's operation costs such as district-furnished labor and materials, bond, insurance and use of district facilities, and shall not be reduced by charge-backs such as those for testing, inspection or overrun of contract time. All fees and/or reimbursable charges paid to construction managers for performance of construction work shall be included in the actual cost of construction. When the contract for the work includes items not otherwise subject to the approval of DSA and not included in the approved plans and specifications the actual cost shall include this work unless such costs are segregated by separate bid items or by separately priced items of change orders, or by a certified copy of a subcontractor's bid. Such segregation shall not be made by contract price breakdown or estimates. An hourly fee may be charged to the school district for the review of bid alternates.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17300 and 81133.

HISTORY:

1. Editorial correction of printing error (Register 83, No. 45).

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2. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-322, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-323. Revisions of plans and specifications. Revisions are changes to the DSA approved plans or specifications made after DSA approval. Revisions shall be submitted to and approved by DSA.

An hourly fee may be charged to the school district for the review of revisions to approved plans and specifications in accordance with the published rates and collection procedures established by DSA.

If determined by the enforcement agency that the original plans that add buildings to the project scope are abandoned and the plans and specifications submitted in lieu thereof are for a new project rather than for an identical building, or a modified set of plans is for an essentially different structural concept, then it is necessary that a new application be filed and fee paid. This is regardless of the fact that the school building may have the same name, be of the same general size and be situated at the same location as the school building for which the original application was made.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17300 and 81133.

4-324. Examples and explanations of fee computation.

(a) **Filing fee to accompany application.**

Filing Fee under Schedule 11		
Estimated Cost $8,000		
1.25% × $8,000	=	$100.00
Filing Fee is the minimum charge		$250.00
Filing Fee under Schedule 11		
Estimated Cost: $925,000.00		
1.25% × $925,000	=	$11,562.50
Filing Fee under Schedule 11		
Estimated Cost: $1,260,000.00		
1.25% × $1,000,000	=	$12,500.00
1.0% × $260,000		2,600.00
		$15,100.00
Corrected Estimate under Schedule 11		
Estimated Cost on Application: $925,000.00		
1.25% × $925,000	=	$11,562.00
1st Contract		700,000.00
2nd Contract		525,000.00
		$1,225,000.00
(Exceeds $925,000 by more than 30%)		
Corrected Estimated Cost: $1,225,000.00*		
1.25% × $1,000,000	=	$12,500.00
1.0% × 225,000	=	2,250.00
		$14,750.00
Fee previously paid		$11,562.00
Corrected filing fee due		$3,188.00

(b) **Further fees where the actual cost exceeds the estimated or corrected estimated cost by more than 5 percent.**

Further Fee under Schedule 11		
Corrected Estimated Cost: $1,225,000*		
Actual Cost $1,352,740.50		
1.25% × $1,000,000.00	=	$12,500.00
1.0% × 352,740.50	=	3,527.41
		$16,027.41
Filing Fee Paid		
1.25% × $1,000,000	=	$12,500.00
1.0% × 225,000	=	2,250.00
		$14,750.00
Further Fee	=	$ 1.277.41

*The corrected estimated cost could be more than the sum of contracts if all work called for on plans is not yet under contract.

Authority: Education Code Sections 17300, 17301, 17310, 81133 and 81142.

Reference: Education Code Sections 17300, 17301 and 81133.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-324, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-325. Billing for further fees. The school district shall be billed for further fees upon completion of the project or portion thereof if fee is due. Claims for refunds due to errors in cost reporting or fee computation shall be made within six months from date of billing.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17300 and 81133.

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4-326. Fees for approval of an evaluation and design criteria report for rehabilitation of an existing building for use as a school building. A retainer fee of $2,000.00 shall be required with submittal of the pre-application for a rehabilitation project in accordance with Section 4-306 or 4-307(c). Fees incurred in excess of the retainer fee for DSA review of the Evaluation and Design Criteria Report shall be based on the established hourly billing rate of the Department. Prior to approval of the Evaluation and Design Criteria Report, any additional fees incurred by DSA shall be paid in full. Any unused portion of the retainer fees shall be returned to the school district.

Authority: Education Code Section 17310.

Reference: Education Code Section 17280.5.

HISTORY:

1. (DSA/SS (EF 02/03) Emergency adoption/approval of administrative and procedural requirements for the adaptive reuse of existing buildings for public school use; CCR Title 24, Part 1. Approved as emergency by the California Building Standards Commission on May 14, 2003, and filed with the Secretary of State on May 15, 2003. Effective May 15, 2003.

4-327. Fees for DSA review prior to application filing. An hourly fee may be charged to the school district for the review of draft drawings and specifications or consultations with DSA during project development, as requested by the school district and in accordance with the published rates and collection procedures established by DSA.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17319 and 81133.1.

4-328. Fees for DSA certification of construction. A fee may be charged to the school district for the review and processing of all required documents submitted for the issuance of certification in accordance with the published rates and collection procedures established by DSA.

Authority: Education Code Sections 17310, 17315, 81142 and 81147.

Reference: Education Code Sections 17315(c) and 81147(c).

ARTICLE 5—CERTIFICATION OF CONSTRUCTION

4-330. Time of beginning construction and partial construction. Construction work, whether for a new school building, reconstruction, rehabilitation, alteration or addition, shall not be commenced, and no contract shall be let until the school board has applied for and obtained from DSA written approval of plans and specifications. Construction shall be commenced within four years after the approval of the plans; otherwise, the approval is void.

Exception: DSA may withdraw approval or institute post-approval requirements as necessary to address life safety concerns due to information received after approval of plans and before commencement of construction.

The school board may complete all work or proceed with the construction of any part of the work included in the approved plans and specifications with the intent of completing the work later. All work done and materials used and installed must be in accordance with and in conformity to the approved plans and specifications.

An uncompleted building shall not be considered as having been constructed under the provisions of Article 3 or 7 commencing with Sections 17280 and 81130 of the Education Code, respectively. Section 17372 of the Education Code restricts the use of such a building.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280, 17297, 17307, 17372 and 81130.

4-331. Notice to DSA at start of construction. The architect or registered engineer responsible for the project or the school district shall promptly notify DSA of the start of construction using forms and procedures specified by DSA.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280, 17295, 81130 and 81133.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-331, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-332. Notice of suspension of construction.

(a) When construction is suspended for more than one month, the Project Inspector shall notify DSA [see Section 4-336(c)3].

(b) If all construction is suspended or abandoned for any reason for a continuous period of one year following its commencement, the approval of DSA shall become void. DSA may reinstate the approval on the request of the school board.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17310 and 81142.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-332, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-333. Observation and inspection of construction.

(a) **Observation by architect or registered engineer.** The Act requires that the observation of the work of construction, reconstruction, rehabilitation, alteration or addition shall be under the general responsible charge of an architect, structural engineer, or under certain conditions a professional engineer registered in that branch of engineering applicable to the work. (See Section 4-316.)

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The responsible geotechnical engineer, or his or her qualified representative, shall perform all testing and special inspection of all earth materials, the placement and compaction of engineered fills, and the geotechnical aspects of foundations, retaining walls and foundation anchors. The responsible geotechnical engineer shall submit verified reports in accordance with Section 4-336 and Title 24, Part 2.

(b) **Inspection by a Project Inspector or Assistant Inspector.** The school board must provide for and require competent, adequate and continuous inspection by an inspector satisfactory to the architect or registered engineer in general responsible charge of observation of the work of construction; to any registered structural engineer delegated responsibility for a portion of the work; and to DSA. The inspector shall be responsible to DSA for enforcement of the plans and specifications of the school project.

1. The cost of project inspection shall be paid for by the school board. An inspector shall not have any current employment relationship with any entity that is a contracting party for the construction or any entity providing any services for the school district except for services directly related to project inspection. Each inspector who engages in any inspection-related activities shall be responsible to the governing board for their activities.
2. Project Inspectors and Assistant Inspectors are prohibited from any activities involving the actual performance of construction, or the scheduling, coordination or supervision of construction contractors for the project.
3. For every project there shall be a Project Inspector who shall have personal knowledge as defined in Sections 17309 and 81141 of the Education Code of all work done on the project or its parts as defined in Section 4-316. No work shall be carried on except under the inspection of an inspector approved by DSA. On large projects adequate inspection may require the employment of one or more approved Assistant Inspectors in accordance with Section 4-333(d). The employment of special inspectors or Assistant Inspectors shall not be construed as relieving the Project Inspector of his or her duties and responsibilities under Sections 17309 and 81141 of the Education Code and Sections 4-336 and 4-342 of these regulations.
4. The Project Inspector and any Assistant Inspector shall be capable of performing all essential functions of the job.
5. The Project Inspector and any Assistant Inspector must be approved by DSA for each individual project. Prior to being eligible for approval, any Project Inspector or any Assistant Inspector shall establish, to the satisfaction of DSA that they:
   A. Are appropriately certified by DSA, per Section 4-360.1 (Assistant Inspector must be a DSA Class 1, 2, 3 or 4 certified inspector); and
   B. Have adequate knowledge and experience to perform the required duties for the project. The Project Inspector shall have at least three years experience in inspection or construction work on building projects of a type similar to the project. The Assistant Inspector shall have at least three years experience in inspection or construction work on building projects of a type of construction that the assistant will inspect. For newly certified inspectors without prior DSA project inspection experience, attendance of DSA-specified training is required; and
   C. Will provide sufficient time on the project to fulfill all inspection responsibilities required by these regulations.
6. An approved Project Inspector or Assistant Inspector may be replaced in accordance with the process outlined in Section 4-341(d). The school district shall ensure that a replacement inspector is provided prior to continuation of construction work. DSA may withhold approval of the replacement inspector until a verified report by the previous Project Inspector is submitted in accordance with Section 4-336(c)5.
7. DSA may withdraw the Project Inspector's or Assistant Inspector's approval for the project due to failure of the Project Inspector or Assistant Inspector to comply with the requirements contained in Section 4-342(b). DSA shall communicate the withdrawal of the Project Inspector's or Assistant Inspector's approval in writing to the school district and the architect or registered engineer in general responsible charge. The school district shall ensure that a replacement inspector is provided prior to continuation of construction work.
8. The Project Inspector may perform special inspections if the Project Inspector has been specially approved by DSA for such purpose and has the time available to complete the special inspections in addition to project inspection work.
9. The detailed inspection of all work, as specified in Section 4-335(f), is the responsibility of the Project Inspector when a special inspector is not provided.

(c) **Special inspection.** Special inspection by qualified inspectors shall be in accordance with Title 24, Part 2, Chapter 17A.

DSA may require special inspectors for types of construction in addition to those listed in Chapter 17A, Title 24, Part 2 if found necessary because of the special use of materials or methods of construction.

(d) **Assistant Inspectors.** Assistant Inspectors are approved by DSA to assist the Project Inspector with the inspection of one or more aspects of the construction. Assistant Inspectors must work under the supervision of a Class 1 or 2 certified Project Inspector.

On large projects DSA may require the employment of Assistant Inspectors when the Project Inspector is not able to provide continuous inspection of all aspects of the construction in a timely manner. When Assistant Inspectors are required by DSA the Project Inspector shall remain on-site providing supervision of all assistants during all construction.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280, 17309, 17311, 81130, 81138, 81141 and 81143.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-333, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.
2. (DSA/SS 2/95) Regular order by the Division of the State Architect/ Structural Safety Section to amend Section 4-333. Filed with the Secretary of State on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

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4-334. Supervision by the Division of the State Architect. During construction, reconstruction, rehabilitation, repair, alteration of, or addition to any school building, DSA, as provided by the Act, shall make such site visits as in its judgment are necessary for proper enforcement of the Act and the protection of the safety of the pupils, the teachers and the public. If at any time as the work progresses, prior to the issuance of the certification of compliance it is found that modifications or changes are necessary to secure safety or to comply with code requirements, DSA shall notify the architect or registered engineer in general responsible charge, the contractor and the school district of the necessity for such modifications or changes.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17311 and 81143.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-334, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-334.1. Stop work order.

(a) Whenever DSA finds any construction work being performed in a manner contrary to the provisions of this code and that would compromise the structural integrity of the building, the Department of General Services, State of California, is authorized to issue a stop work order.

(b) The stop work order shall be in writing and shall be given to the owner of the property involved, or the owner's agent, or the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

(c) Any person who continues working on the cited work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17307.5 and 81133.5.

4-335. Structural tests and special inspections.

(a) **General.** Structural tests and special inspections are required as set forth in these regulations and Part 2 of Title 24, C.C.R.

Whenever there is insufficient evidence of compliance with any of the provisions of Title 24, C.C.R., or evidence that any material or construction does not conform to the requirements of Title 24, C.C.R., DSA may require tests/inspections as proof of compliance to be made at no expense to DSA.

Test/inspection methods shall be as specified by Title 24, C.C.R. and by applicable referenced standards, as listed in Chapter 35 of Part 2 of Title 24, C.C.R. If there are no recognized and accepted test/inspection methods, the responsible architect or structural engineer shall submit written alternate test/inspection procedures for review and acceptance by DSA.

The school board shall, with the advice of the architect or registered engineer in general responsible charge, select the laboratory of record, acceptable to DSA in accordance with Sections 4-335.1 and 4-372 to conduct all required tests for the project, and special inspections that are contracted to the laboratory of record. The laboratory of record shall be directly employed by the school board and not be in the employ of any other agency or individual.

All tests shall be made by a laboratory acceptable to DSA, as described in Sections 4-335.1 and 4-372. Where job conditions warrant, the architect or registered engineer in general responsible charge may waive certain tests with the approval of DSA. The responsible architect or structural engineer shall prepare a statement of structural tests and special inspections, obtain DSA approval and provide a copy of the approved statement of structural tests and special inspections to the laboratory of record and the Project Inspector prior to the start of construction.

(b) **Payments.** The school board shall pay for all tests/inspections, but if so specified the amount or a portion thereof may be collected from the contractor by the school board. When in the opinion of the architect or registered engineer, additional tests/inspections are required because of the manner in which the contractor executes his or her work, such tests/inspections shall be paid for by the schoolboard, but if so specified the amount paid may be collected from the contractor by the school board. Examples of such tests/inspection are: tests of material substituted for previously accepted materials, retests or reinspections made necessary by the failure of material to comply with the requirements of the approved construction documents and specifications, and load tests necessary because certain portions of the structure have not fully met specification or plan requirements.

(c) **Sampling and testing of materials.** Samples or specimens of material for testing shall be taken by a qualified representative of the laboratory of record. For a minor scope of work, the Project Inspector may, if qualified and other duties permit, be authorized in writing by DSA to obtain, handle, prepare, protect, transport and/or store test specimens.

In general, samples may be selected at random; however, if there is reason to believe that specific materials may be defective, sample locations may be selected by the Project Inspector, responsible architect or structural engineer or DSA representative. In no case shall the contractor or vendor select the sample location or obtain specimens.

Obtaining, handling, preparing, protecting, transporting or storing of samples and testing shall be in accordance with the standards as provided for in the approved plans, specifications and in the applicable building regulations.

In cases where a tested sample has failed to meet the requirements of the DSA approved documents, the responsible architect or structural engineer, subject to the approval of DSA, may permit retest of the material or in-place work.

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(d) **Test reporting requirements.**

1. The laboratory of record shall complete detailed test reports outlining all structural material tests. Report format shall be as prescribed by DSA.
2. Reports shall include all tests made, regardless of whether such tests indicate that the material is satisfactory or nonconforming.
3. The reports shall clearly state that the material or materials were sampled and tested in accordance with the requirements of these regulations and the approved plans and specifications. Reports shall also clearly state whether or not the material or materials tested met the requirements of the DSA approved documents.
4. All reports of tests performed on-site shall be submitted to the Project Inspector within one work day of the day the tests were performed.
5. Within 7 calendar days of the date of any material test, the laboratory of record shall submit all such test reports to DSA, the design professional in general responsible charge, the structural engineer, the Project Inspector, the contractor and the school district.
6. Reports of material tests not conforming with the requirements of the DSA approved documents shall be forwarded immediately to DSA, the design professional in general responsible charge, the structural engineer, the Project Inspector, the contractor and the school district.

(e) **Verified reports by the laboratory of record.** The laboratory of record shall submit a verified report to DSA, and provide a copy to the architect or registered engineer in general responsible charge, the school board and the Project Inspector, covering all of the tests and special inspections that were required to be made by that laboratory. Such report shall be furnished within 14 days of the completion of the testing/special inspection program, whenever required by DSA, or any time that work on the project is suspended, or services of the laboratory of record are terminated. The report shall cover the tests and special inspections completed at that time.

The verified report shall be signed, under penalty of perjury, by the California registered civil engineer charged with engineering managerial responsibility for the laboratory of record. The verified report shall state that the structural tests and special inspections required by the DSA approved documents were made. The report shall include a list of any noncompliant material or inspected work that has not been resolved by the date of the verified report. Any required tests or special inspection work that was not conducted by the laboratory of record shall be listed on the verified report, with an explanation why they were not performed.

(f) **Special inspection.** A special inspector shall possess a high school diploma or GED equivalent, shall have had at least three years of experience in construction work or special inspection work on one or more projects similar to the project for which the inspector is applying, shall have a thorough knowledge of the building materials of his or her specialty and shall be able to read and interpret plans and specifications.

DSA may require evidence of the proposed special inspector's knowledge and experience by requiring proof of valid certification, as appropriate, from national, regional, or state authorities and/or by successful completion of a written and/or oral examination by the applicant before approval is granted. DSA may charge a fee to administer such examinations. DSA will maintain a list of special inspectors who have successfully completed an examination by DSA, and continued eligibility to remain on that list will be dependent on demonstrated acceptable performance of duties assigned and/or attendance at continuing education classes.

1. Special inspectors shall be employed by the laboratory of record or contract individually and directly with the school board.
   A. **Special inspectors employed by laboratory of record.**

      Assignment to a project: Special inspectors employed by the laboratory of record, under the supervision of the laboratory's engineering manager, do not require DSA project specific approval.

      Supervision: Supervision of special inspectors employed by the laboratory of record shall be provided by the engineering manager, whose supervision duties shall include but are not limited to the following tasks:

      (i) Providing oversight and responsible control of special inspection services and associated report documents.

      (ii) Verifying that special inspectors meet all employment requirements and possess the training, education, technical knowledge, experience and/or certifications necessary to perform the duties assigned. The engineering manager shall also ensure that records of relevant certifications, qualifications, training and experience of inspection personnel are maintained at the laboratory facility and made available upon request to DSA.

      (iii) Verifying that special inspectors conduct the required field-related services in strict accordance with DSA approved documents and applicable standards.

      (iv) Monitoring special inspection activities to assure that the qualified special inspector is performing his or her duties as required.

      (v) Verifying that special inspectors properly document their activities, and that reports and logs are prepared and distributed in accordance with these regulations.

   B. **Special inspectors who contract individually and directly with the school board.**

      Approval for a project: The school board, or architect or registered engineer in general responsible charge shall secure DSA approval for special inspectors as required prior to commencement of work for which special inspection is required.

Supervision: The duties of the architect or registered engineer in general responsible charge in directing the special inspector shall include but are not limited to the following tasks:

(i) Verifying that special inspectors possess the training, education and/or certifications necessary to perform the duties assigned.

(ii) Verifying that special inspectors conduct the required special inspection services in strict accordance with DSA approved documents and applicable standards.

(iii) Monitoring special inspection activities to assure that the qualified special inspector is performing his or her duties as required.

(iv) Verifying that special inspectors properly document their activities, and that reports and logs are prepared and distributed in accordance with these regulations.

(v) Verifying that all special inspectors working under the direction of the design professional have filed verified reports as prescribed by Section 4-336(c), and that all code-required special inspections were completed.

2. The acceptance or approval of special inspectors may be withdrawn by DSA if the special inspector fails to comply with any part of these regulations or the applicable inspection-related referenced standards on the approved plans and specification.

3. The duties of the special inspector shall include but are not limited to the following:

A. Review and comprehend all applicable DSA approved construction documents, shop drawings, requirements of applicable code and code referenced standards.

B. Perform the inspections in conformance with the requirements of the DSA approved documents, applicable code and code referenced standards.

C. Verify whether or not the work conforms to the requirements of the DSA approved documents, applicable code and code referenced standards.

D. The special inspector shall not accept any deviation from the DSA approved documents unless the revision has been approved by DSA.

E. Report in writing immediately any work that the special inspector deems nonconforming, and that is not immediately corrected upon notifying the contractor. Submit the report to the Project Inspector, DSA, the architect or registered engineer in general responsible charge, the structural engineer delegated responsible charge for observation of construction, the contractor and the school district.

F. Complete and submit all required reports, as set forth in sub-section 4 below.

G. Special inspectors who contract individually and directly with the school district shall maintain records of all special inspections on a job-by-job basis for at least six (6) years, and shall make such records available to the school district, design professional in responsible charge and DSA upon request. Such records shall include all special inspection reports, noted deficiencies and dates of resolution of such deficiencies, verified reports, photographs, and such other information as may be appropriate to establish the sufficiency of the inspection program.

4. **Inspection reporting requirements:**

A. **Special inspector daily reports.** Special inspectors shall prepare detailed daily inspection reports outlining the work inspected and shall forward a copy of the report to the Project Inspector within one day of the day the inspections were performed.

Reports indicating materials or workmanship found to be nonconforming with the requirements of the DSA approved documents shall be forwarded immediately to the Project Inspector, DSA, the architect or registered engineer in general responsible charge, the structural engineer delegated responsible charge for observation of construction, the contractor and the school district.

Within 7 days of the date of any special inspection, the special inspector shall submit copies of all daily reports to DSA, the school district, the architect or registered engineer in general responsible charge, the structural engineer delegated responsible charge for observation of construction, and the contractor.

Report format shall be as prescribed by DSA. Reports shall clearly state whether the work was inspected in accordance with the requirements of the DSA approved documents for the project. Reports shall also clearly state whether the work inspected met the requirements of the DSA approved documents. Reports shall include all special inspections made regardless of whether such inspections indicate that the work is satisfactory or nonconforming.

B. **Special inspector verified report.** Each special inspector who contracts individually and directly with the school board shall complete a verified report, as required by Section 4-336, and submit it to DSA, the architect or registered engineer in general responsible charge, the structural engineer delegated responsible charge for observation of construction, the school board and the Project Inspector. Such report shall be furnished within 14 days of the conclusion of work requiring special inspection, whenever required by DSA, or any time that work on the project is suspended, or services of the special inspector are terminated. The report shall cover the special inspection work completed at that time.

The verified report shall indicate that all special inspections were made as required by the approved plans and specifications, and shall list any noncompliant work that has not been resolved by the date of the verified report. Any

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required special inspections that were not conducted by the special inspector shall be listed on the verified report, with an explanation.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17309 and 81141.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-335, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-335.1. DSA Laboratory of Record.

(a) **General.** Only laboratories that hold a valid laboratory acceptance letter issued by the DSA Laboratory Evaluation and Acceptance (LEA) program in accordance with Section 4-372 are eligible to conduct special inspection and/or material testing services on public school and community college construction projects.

(b) **Laboratory structure.** All testing and special inspection services shall be performed under the engineering manager's general supervision. Administration and business practices of the laboratory shall comply with all relevant California State and Federal laws.

(c) **Supervision.** Supervision by the laboratory's engineering manager shall include but is not limited to the following tasks:

A. Providing oversight and responsible control of all field and laboratory testing services, special inspection services and associated report documents.

B. Verifying that technicians and special inspectors meet all employment requirements and possess the training, education and/or certifications necessary to perform the duties assigned.

C. Verifying that qualified technicians and special inspectors conduct the required laboratory and field-related services in strict accordance with DSA approved documents and applicable standards.

D. On-site monitoring of the special inspection activities to assure that the qualified special inspector is performing his or her duties as required. Frequency of the visits shall be determined by the engineering manager, who shall consider the size and complexity of the project.

E. Verifying that special inspectors properly document their activities, and that reports and logs are prepared and distributed in accordance with these regulations.

(d) **Limitation of duties.** LEA laboratory activities are specifically limited to those tests/special inspections for which the laboratory has been accepted and for which it has satisfied the requirements set forth in these regulations. No laboratory shall conduct any test or special inspections for which the laboratory is not qualified or accepted by DSA to perform. The laboratory of record may subcontract tests/special inspections for which it is not accepted to another LEA accepted laboratory possessing that acceptance.

(e) **Equipment and tools.** A DSA accepted laboratory shall have adequate facilities, equipment, personnel expertise and technical references to permit the performance of testing and special inspections in compliance with applicable national standards and regulations. The laboratory shall possess and maintain all tools and equipment required to perform the specific tests and special inspections for which it is approved. Such tools and equipment shall be maintained and calibrated periodically in accordance with applicable nationally accepted standards.

(f) **Documentation.** A laboratory shall maintain records of all tests and special inspections on a job-by-job basis for at least six (6) years, and shall make such records available to the school board, design professional in responsible charge and DSA upon request. Such records shall include all laboratory test reports, special inspection reports, noted deficiencies and dates of resolution of such deficiencies, verified reports, photographs, and such other information as may be appropriate to establish the sufficiency of the testing/special inspection program.

The laboratory's engineering manager shall review test and special inspection reports and progress reports for conformance of inspected work with the approved plans, specifications and workmanship provisions of the California Building Code (CBC) and referenced standards. Such supervision and control shall be evidenced by the engineering manager's signature and seal on the verified reports required by these regulations.

(g) **Obligation to avoid conflict of interest.** Laboratories shall not engage in any activities that may conflict with their objective judgment and integrity, including but not limited to having a financial and/or other interest in the construction, installation, manufacture or maintenance of structures or components that they inspect, test, verify, or certify.

(h) **Evaluations.** The qualifications and capabilities of testing laboratories statewide are subject to evaluation by DSA LEA program personnel. Evaluations occur upon application for initial acceptance, application for renewal, a change in responsible engineering manager, laboratory location, supervisory personnel, and company name and/or services. Evaluations may include but are not limited to a review of the application submittal, consultation with the engineering manager as well as an on-site examination/evaluation of the quality system, equipment, personnel and records.

(i) **Obligation to cooperate with inquiries.** All accepted laboratories shall cooperate in any investigation by DSA into the activities at any school project site or fabricating/manufacturing facility for which they have provided special inspection and/or testing services and shall provide prompt, accurate and complete responses to reasonable inquiries by DSA and other appropriate individuals or agencies.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17309 and 81141.

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4-336. Verified reports.

(a) **General.** As the work of construction progresses, the architect or registered engineer in general responsible charge of observation of construction of the work, each architect or registered engineer delegated responsibility for a portion of observation of construction of the work, the Project Inspector, the geotechnical engineer, the laboratory of record, approved special inspectors contracting individually and directly with the school board, and the contractor shall each make and sign under penalty of perjury, a duly verified report to DSA and provide a copy of the same report to the Project Inspector. The verified report shall be made upon a prescribed form or forms attesting that of his or her own personal knowledge the work during the period covered by the report has been performed and materials have been used and installed in every material respect in compliance with the duly approved plans and specifications, and setting forth such detailed statements of fact as shall be required.

The term "personal knowledge" as applied to an architect or registered engineer means the personal knowledge that is obtained from periodic visits of reasonable frequency to the project site for the purpose of general observation of the work, and that is obtained from the reporting of others on the progress of the work, testing of materials, inspection and superintendence of the work. The exercise of reasonable diligence to obtain the facts is required.

The term "personal knowledge" as applied to the Project Inspector means the actual personal knowledge that is obtained from the inspector's personal continuous inspection of the work in all stages of its progress. For work performed away from the site, the Project Inspector may obtain personal knowledge from the reporting of testing or special inspection of materials and workmanship for compliance with approved plans, specifications and applicable standards. The exercise of reasonable diligence to obtain the facts is required.

The term "personal knowledge" as applied to a special inspector means the actual personal knowledge that is obtained from the inspector's personal inspection of the work assigned. The verified report shall clearly describe the work assigned to each individual special inspector. The exercise of reasonable diligence to obtain the facts is required.

The term "personal knowledge" as applied to the contractor means the personal knowledge gained from constructing the building. The exercise of reasonable diligence to obtain the facts is required.

(b) **Verified report form.** Verified reports shall be made on specific forms prescribed by DSA.

(c) **Required filing.** Verified reports shall be made as follows:

1. By each contractor having a contract with the school board, at the completion of the contract.
2. By the architect, registered engineers and Project Inspector at the completion of construction as determined acceptable to DSA.
3. By the architect, registered engineers, engineering manager of the laboratory of record, as required by Section 4-335(e), Project Inspector, and approved special inspectors contracting individually and directly with the school board, at the suspension of all work for a period of more than one month and at identified milestones of completed construction prescribed by DSA.
4. By the Project Inspector when any building included in the scope of the project is occupied or reoccupied.
5. By any of the following, whenever their services in connection with the project have been terminated for any reason: the architect or registered engineer in general responsible charge, engineering manager of the laboratory of record, Project Inspector, approved special inspector contracting individually and directly with the school board, or the contractor.
6. By the responsible geotechnical engineer, as required by Section 4-333(a), upon completion of his or her duties.
7. By the engineering manager of the laboratory of record, as required by Section 4-335(e), at the completion of the testing and special inspection program.
8. By the approved special inspector contracting individually and directly with the school board at the conclusion of work requiring special inspection.
9. By any party listed above at any time a verified report is requested by DSA.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17309 and 81141.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-336, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-337. Semimonthly reports. In addition to the verified reports (Section 4-336) the Project Inspector shall make semimonthly reports of the progress of construction to the architect or registered engineer in general responsible charge and the structural engineer if delegated to observe the structural portion of the construction. A copy of each such report shall be sent to the school board and DSA, and a copy kept in the Project Inspector's job file.

Semimonthly reports shall state the name of the building, the school and the school district, and give the file and application number. The reports shall include a list of official visitors to the project and whom they represent, a brief statement of the work done, instructions received from the architect or registered engineer during the period covered by the report and pertinent information regarding any unusual conditions or questions that may have arisen at the job. The semimonthly report shall include problems or noncomplying conditions that have occurred on the project and how they were resolved or brought into compliance. Failure to comply with this section, in a timely manner, may be cause for DSA to withdraw approval of the inspector.

Authority: Education Code Sections 17310 and 81142.

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Reference: Education Code Sections 17280, 17309, 17310, 81130, 81141 and 81142.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-337, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-338. Addenda and construction changes.

(a) **General.** Work shall be executed in accordance with the approved plans, addenda and construction change documents. Changes in the plans and specifications shall be made by addenda or construction change documents approved by DSA. [See Section 4-318(b).]

(b) **Addenda.** Changes of the approved plans or specifications made during the bidding phase and prior to letting a construction contract for the work involved shall be made by means of addenda. Addenda for changes to the structural, accessibility or fire-life safety portions of the project shall be submitted to and approved by DSA prior to commencement of the work shown thereon. Addenda shall refer to the portions of the approved plans and specifications being changed; clearly describe the work to be accomplished; and, where necessary, be accompanied by supplementary drawings, technical data and calculations. Addenda shall be numbered sequentially for easy reference. All addenda shall be stamped and signed by the architect or registered engineer in general responsible charge.

If required by DSA, all other addenda shall be submitted to the DSA for concurrence that they do not contain changes to the structural, accessibility and/or fire-life safety portions of the project.

(c) **Construction changes.** Changes of the approved plans or specifications after a contract for the work has been let shall be made by means of construction change documents. Construction change documents for changes to the structural, accessibility or fire-life safety portions of the project shall be submitted to and approved by DSA prior to commencement of the work shown thereon. Construction change documents shall refer to the portions of the approved plans and specifications being changed; clearly describe the work to be accomplished; and, where necessary, be accompanied by supplementary drawings, technical data and calculations. Construction change documents shall be numbered sequentially for easy reference. All construction change documents shall be stamped and signed by the architect or engineer in general responsible charge, or by the architect or registered engineer delegated responsibility for the portion of the work of construction affected by the change.

If required by DSA, all other construction change documents shall be submitted to the DSA for concurrence that they do not contain changes to the structural, accessibility and/or fire-life safety portions of the project.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17927 and 81134.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-338, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-339. Final certification of construction. The certification of compliance by DSA for public school building projects will be issued when the work has been completed in accordance with the requirements as to safety of design and construction of Sections 17280-17316 and 81130-81147 of the Education Code. The final certification of compliance will not be issued until the school board has filed a notice of completion and has filed a statement of final actual project cost as identified in Section 4-322, and has paid all required fees to the Department of General Services.

The certification by DSA may be evidenced either by letter or by certificate. A certificate of compliance will, in general, be issued only for large new projects where the board may desire to display such certificate in a conspicuous place. The letter or certificate of compliance will be directed to the school board.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17310 and 81142.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-339, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

ARTICLE 6—DUTIES UNDER THE ACT

4-341. Duties of the architect, structural engineer or professional engineer.

(a) **General.** The architect or registered engineer in general responsible charge is responsible to the school board and to DSA to see that the completed work conforms in every material respect to these regulations and to the approved plans and specifications. (See Section 4-316.) The architect or registered engineer in general responsible charge may, if so authorized, act as agent for the school board in completing and submitting the application for approval of plans and specifications to DSA. (See Section 4-315.)

The architect or registered engineer in general responsible charge in no way is relieved of any responsibility by the activities of DSA in the performance of its duties.

(b) **General responsible charge.** The architect, structural engineer or professional engineer in general responsible charge shall advise the school board in regard to filing of the application for approval of plans, the selection of an inspector and the selection of a testing laboratory. The architect or registered engineer in general responsible charge shall prepare plans, specifications, design

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calculations and other data and shall prepare addenda and construction change documents authorized by the school board and as required by conditions on the project.

The architect or registered engineer in general responsible charge shall make, or cause to be made, the corrections required on the various documents to comply with the requirements of these regulations. The architect or registered engineer in general responsible charge shall perform general observation of the work of construction, interpret the approved drawings and specifications and shall provide the Project Inspector and testing facility with a complete set of stamped plans, specifications, addenda and construction change documents prior to the start of construction.

In general, DSA directs all technical correspondence to the architect or registered engineer in general responsible charge of the project.

(c) **Delegated responsibility.** An architect or registered engineer to whom responsibility has been delegated shall, under the general direction of the architect or registered engineer in general responsible charge, prepare plans, specifications, calculations and other data, and make corrections on these documents as required to comply with these regulations. Such architect or registered engineer shall consult with the architect or registered engineer in general responsible charge in the preparation of addenda, deferred submittals and construction change documents and the selection of inspectors and the testing facility. The architect or registered engineer to whom responsibility has been delegated shall provide evidence of his or her responsibility for the documents that affect his or her portion of the work and are presented to DSA for approval by his or her stamp and signature thereon.

(d) **Approval of inspectors.** The school district or architect or registered engineer in general responsible charge shall obtain DSA approval for a Project Inspector, an Assistant Inspector and a replacement inspector, if any, prior to commencement or continuation of construction work, as applicable, in accordance with the Project Inspector approval process specified by DSA. The following shall be submitted to DSA:

1. The name of the person proposed as Project Inspector of the work, together with an outline of his or her experience and pertinent qualifications on a form prescribed by DSA, in accordance with the Project Inspector approval process specified by DSA.

   DSA inspector approval is contingent upon the inspector providing adequate time to satisfy continuous inspection requirements per 4-342(b)1. The proposed Project Inspector's concurrent workload shall be included in the inspector's submittal forms for project approval. If DSA determines the inspector's cumulative workload appears excessive and may hinder continuous inspection required per Section 4-342(b)1, DSA may require the inspector to justify that sufficient time will be spent on the project.
2. The name of any proposed Assistant Inspector together with an outline of his or her experience and pertinent qualifications on a form prescribed by DSA, in accordance with the Project Inspector approval process specified by DSA.
3. The name of any special inspector to be used, in accordance with Section 4-335(f)1(B).
4. When a replacement Project Inspector is retained, the name of the person proposed as the new Project Inspector, together with an outline of his or her experience and pertinent qualifications on a form prescribed by DSA.

The architect or registered engineer in general responsible charge shall provide general direction of the work of the Project Inspector and shall immediately notify the school board and DSA in writing if the Project Inspector is found to be unable or unwilling to perform such duties properly. This notification shall include a statement as to whether the architect or engineer is recommending that the school board terminate the inspector's employment. Prior to termination, the school district shall confer with DSA and provide the basis for the termination, and the architect or structural engineer in general responsible charge shall obtain DSA approval of a replacement Project Inspector. No work on the project may proceed until a new Project Inspector has been approved by DSA. Upon completion of a terminating verified report, the inspector's duties and responsibilities for the project are ended.

In view of the architect or engineer's responsibilities for directing the activities of the inspector, such architect or registered engineer in general responsible charge shall review and evaluate the inspector's qualifications before recommending the approval of the inspector to DSA.

(e) **Report of contract.** The architect or registered engineer in general responsible charge or the school board shall report contract information and time of starting work to DSA. (See Section 4-331.)

(f) **Architect or engineer verified reports.** The architect or registered engineer in general responsible charge and all architects and registered engineers delegated responsibility for observation of the work of construction shall observe the work of construction of his or her portion of the project; when delegated, consult with the design professional in general responsible charge in the interpretation of the approved drawings and specifications; and shall maintain such personal contact with the project as is necessary to assure themselves of compliance in every material respect with the approved plans and specifications. Personal contact shall include visits to the project site by the architect, engineer or their qualified representative to observe the construction. The architect or registered engineer in general responsible charge and each architect or engineer delegated responsibility for observations of the work of construction shall submit verified reports to DSA and provide a copy to the Project Inspector as required by Section 4-336. The architect or registered engineer in general responsible charge shall also require that verified reports from the Project Inspector, special inspectors, testing facility, the geotechnical engineer, contractors and the other architects and engineers are submitted as required.

(g) **Structural tests and special inspection program.** The architect or registered engineer in general responsible charge shall establish the extent of the structural tests and special inspection program consistent with the needs of the particular project (see Section 4-335) and shall issue specific instructions to the testing facility and special inspectors prior to start of construction. He or

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she shall also notify DSA as to the disposition of materials noted on laboratory testing, and/or special inspection, reports as not conforming to the DSA approved documents.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17302, 17309, 17310, 81138, 81141 and 81142.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-341, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-342. Duties of the Project Inspector.

(a) **General.** The Project Inspector shall act under the direction of the architect or registered engineer in general responsible charge. The Project Inspector is also subject to supervision by DSA.

(b) **Duties.** The general duties of the Project Inspector in fulfilling his or her responsibilities are as follows:

1. **Continuous inspection requirement.** The Project Inspector must have actual personal knowledge, obtained by personal and continuous inspection of the work of construction in all stages of its progress, that the requirements of the approved plans and specifications are being completely executed.

   Continuous inspection means complete inspection of every part of the work. Work, such as concrete work or masonry work that can be inspected only as it is placed, shall require the constant presence of the inspector. Other types of work that can be completely inspected after the work is installed may be carried on while the inspector is not present. In any case, the inspector must personally inspect every part of the work. In no case shall the inspector have or assume any duties that will prevent the inspector from giving continuous inspection. DSA may require verification from the Project Inspector of time spent at the construction site during all phases of the work. The Project Inspector may obtain personal knowledge of the work of construction, either on-site or off-site, performed under the inspection of special inspectors and/or Assistant Inspectors (Section 4-333). The Project Inspector may obtain personal knowledge that materials used in the construction conform to the DSA approved documents by verifying test reports performed by DSA accepted testing facilities, verifying materials certifications shipped with the materials, or other means as specified in the DSA approved documents and referenced codes and standards. The Project Inspector shall verify that special inspectors possess valid certifications for the work being inspected. The Project Inspector shall be responsible for monitoring the work of the special inspectors and testing laboratories to ensure that the testing program is satisfactorily completed. The Project Inspector shall be responsible for supervising the work of all Assistant Inspectors in accordance with Section 4-333(d). The exercise of reasonable diligence to obtain the facts shall be required.
2. **Relations with architect or engineer.** Any uncertainties in the inspector's comprehension of the plans and specifications or inconsistencies or seeming errors in the approved construction documents shall be reported promptly to the architect or registered engineer in general responsible charge for interpretation and instructions. In no case shall the instruction of the architect or registered engineer be construed to cause work to be done that is not in conformity with the DSA approved documents.
3. **Job file.** The Project Inspector shall keep and maintain a file on the job at all times with all of the following:
   A. DSA approved plans and specifications including DSA approved addenda and all construction change documents.
   B. Applicable parts of the edition of Title 24, C.C.R., referred to in the plans and specifications, and any pertinent referenced standards.
   C. DSA approved statement of structural tests and special inspections.
   D. Copies of Project Inspector's semi-monthly reports.
   E. Copies of all deviation notices and a log of all deviation notices. The log shall reference all applicable details and specification sections related to nonconforming materials and workmanship including construction change documents, addenda and deferred submittals. The log shall describe all corrective actions taken whether performed in accordance with DSA approved documents or not, the current status of each deviation issue and the resolution for each issue.
   F. Log documenting all significant communications with the design professionals, contractors, DSA representatives and other persons involved in the project. Significant communications include, but are not limited to, interpretations, clarifications or directions from the design professionals, issues identified by DSA representatives, directives from the school district and start notices from the contractor.
   G. Laboratory tests and inspection reports.
   H. Contractor's request for information (RFI) and responses to the RFIs.
   I. Interpretations and clarifications from the design professional in general responsible charge.
   J. Special inspection reports.
   K. Concrete placing operation records showing the time and date of placing concrete and the time and date of removal of forms in each portion of the structure.
   L. Welding operation records including identification marks of welders, lists of defective welds, manner of correction of defects, etc.
   M. Pile driving operation records including penetration under the last 10 blows for each pile when piles are driven for foundations.
   N. Verified reports for all persons required by this code to file verified reports.

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O. Any other applicable documents required to provide a complete record of construction.

The job file shall be kept on the job site until the completion of the project and shall be readily accessible to DSA personnel during site visits. A copy of the job file shall be made available to DSA upon request. The job file, with the exception of building codes and reference standards, shall be made a part of the permanent school district records.

4. **Project Inspector's semimonthly reports.** The Project Inspector shall keep the architect or registered engineer in general responsible charge thoroughly informed as to the progress of the work by making semimonthly reports in writing as required in Section 4-337.
5. **Notifications to DSA.** The Project Inspectors shall notify DSA at the following times:
   A. When construction work on the project is started, or restarted if previously suspended per Item E below.
   B. At least 48 hours in advance of the time when foundation trenches will be complete, ready for footing forms.
   C. At least 48 hours in advance of the first placement of foundation concrete and first grout placement for masonry construction and, when requested by the enforcement agency, 24 hours in advance of any subsequent and significant concrete placement, or grout placement for masonry construction.
   D. At least 48 hours in advance of commencing structural steel erection and, when requested by the enforcement agency, 24 hours in advance of any subsequent and significant structural steel erection.
   E. When all work on the project is suspended for a period of more than one month.
   F. By email at least 48 hours prior to scheduled work covering up uncorrected deviations.
6. **Deviations.** The Project Inspector shall notify the contractor, in writing, of any deviations from the approved plans and specifications that are not immediately corrected by the contractor when brought to the contractor's attention. Copies of such notice shall be forwarded immediately to the architect or registered engineer, and to DSA.

   Failure on the part of the Project Inspector to notify the contractor of deviations from the approved plans and specifications shall in no way relieve the contractor of any responsibility to complete the work covered by his or her contract in accordance with the approved plans and specifications and all laws and regulations.
7. **Inspector verified report.** The Project Inspector shall make and submit directly to DSA verified reports (see Section 4-336). The Project Inspector shall prepare and deliver to DSA detailed statements of fact regarding materials, operations, etc., when requested.
8. **Performance of duties.** The inspector shall perform all duties and render all services with honesty. Inspectors who fail to carry out their duties in an ethical manner or who engage in illegal activities may be subject to adverse action as defined in Section 4-366.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17309, 17311, 81141 and 81143.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-342, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-343. Duties of the contractor.

(a) **Responsibilities.** It is the duty of the contractor to complete the work covered by his or her contract in accordance with the approved plans and specifications thereof. The contractor in no way is relieved of any responsibility by the activities of the architect, engineer, inspector or DSA in the performance of such duties.

(b) **Performance of the work.** The contractor shall carefully study the approved plans and specifications and shall plan a schedule of operations well ahead of time. If at any time it is discovered that work is being done that is not in accordance with the approved plans and specifications, the contractor shall correct the work immediately.

All inconsistencies or items that appear to be in error in the approved plans and specifications shall be promptly called to the attention of the architect or registered engineer, through the inspector, for interpretation or correction. In no case, however, shall the instruction of the architect or registered engineer be construed to cause work to be done that is not in conformity with the approved plans, specifications and construction change documents.

The contractor must notify the Project Inspector, in writing, of the commencement of construction of each and every aspect of the work at least 48 hours in advance.

The contractor must notify the inspector of the completion of each aspect of the work.

(c) **Contractor verified reports.** The contractor shall make and submit to DSA from time to time, verified reports as required in Section 4-336.

If work on the building is being done by independent contractors, having contracts with the school board, verified reports shall be submitted by each contractor regardless of the type of work involved.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280, 17309, 81130 and 81141.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-343, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-344. Duties of mechanical and electrical engineers. The architect or structural engineer in general responsible charge is responsible for the designs prepared by the mechanical and electrical engineers, except that where plans, specifications and estimates for

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alterations or repairs do not involve architectural or structural changes said plans, specifications and estimates may be prepared and work of construction may be observed by a professional engineer in general responsible charge who is duly qualified to perform such services and who holds a valid certificate under Chapter 7 of Division 3 of the *Business and Professions Code* for performance of services in that branch of engineering in which said plans, specifications, and estimates and work of construction are applicable.

The mechanical or electrical engineer shall fulfill the duties outlined in Section 4-341 when assuming general responsible charge and shall submit verified reports as required in Section 4-336. When accepting delegated responsibility he or she shall comply with the requirements of Sections 4-336 and 4-341 insofar as these may relate to the work delegated to him or her.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17295, 17302, 17309, 81133, 81138 and 81141.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-344, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

ARTICLE 7—EXAMINATION AND REPORT OF EXISTING BUILDINGS

4-345. Request for examination.

(a) **Examination and report requested of DSA by the school district.** Upon written request by the governing board of any school district or by at least 10 percent of the parents having pupils enrolled in any school district as certified to by the county superintendent of schools, DSA shall make an examination and report on the structural condition of any school building of the district. DSA must report whether or not each building examined is substantially compliant with applicable code provisions. Whether or not such examination is requested of DSA is entirely optional with the school district or parents concerned, and consequently, in making such examination and report DSA acts as the agent of the school district to whom DSA makes its report and by whom it is guided in determining the extent and character of the examination made.

DSA may prescribe a form, which shall be filled out by the applicant, supplying such information as is available.

DSA is not authorized to prepare plans or make estimates of the cost necessary to make such repairs to the building or buildings as are necessary to meet structural safety standards. (See Sections 17367 and 81162 of the Education Code.)

(b) **Examination and report by school district's structural engineer.** The school district may retain a structural engineer, at the school district's expense, to examine and report on the structural condition of any school building of the district. The structural engineer shall consult with DSA for guidance as to the standard of safety to which the structural condition must measure. The structural engineer must report on whether or not each of the buildings examined is safe or unsafe for school use, and whether or not each of the buildings is substantially compliant with applicable code requirements as required by DSA under Section 4-345(a) above.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17313 and 81162.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-345, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-346. Cost of examinations done by DSA.

Upon completion of the examination by DSA and the submission of the report thereof to the school board, DSA shall submit a statement of the actual expense involved in the examination and preparation of report. Payment by the school board shall be made to DSA upon receipt of the statement of expense involved unless waived by DSA upon recommendation of the state superintendent of public instruction.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17313 and 81145.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-346, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

ARTICLE 8—DOCUMENTS AND RECORDS

4-350. Submission of documents.

(a) **Application.** Applications for approval of plans and specifications shall be submitted to the DSA regional office serving the project location unless specific approval for submittal elsewhere is given by the State Architect. Processing shall be completed by the receiving office but portions of the work may be reassigned.

(b) **Construction documents.** All documents such as notices in accordance with Sections 4-331 and 4-332, qualification records in accordance with Sections 4-333 and 4-341, test reports in accordance with Section 4-335, special inspection reports in accordance with Section 4-335, verified reports in accordance with Section 4-336, and semimonthly reports in accordance with Section 4-337 shall be submitted to the appropriate DSA regional office according to location of the project.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17295, 17299, 17309, 81133 and 81141.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-352, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

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ARTICLE 9—RESERVED

ARTICLE 10—INSPECTOR CERTIFICATION

4-360. Inspector certification. Only a Project Inspector who holds valid certification issued by DSA shall be approved for inspection services on a public school or community college construction project. Special inspections of masonry, shotcrete, structural glued-laminated and cross-laminated timber construction on public school and community college construction projects shall be performed only by a DSA Certified Special Inspector.

4-360.1. Project Inspector classifications. A Project Inspector is certified in one of four distinct classifications. Each classification has the following limitations specific to the project for which the Project Inspector is hired by the local educational agency:

(a) A Class 1 Project Inspector is qualified to inspect any construction project.

(b) A Class 2 Project Inspector is qualified to inspect any construction project, except a project containing the construction of one or more new structures or additions with a primary lateral force-resisting system of steel, masonry or concrete.

(c) A Class 3 Project Inspector is qualified to inspect construction projects containing alterations to buildings, site placement of relocatable buildings and construction of minor structures.

(d) A Class 4 Project Inspector is qualified to inspect construction projects containing site placement of relocatable buildings and associated site work. A Class 4 Project Inspector certification examination is no longer offered; however, a Class 4 Project Inspector with valid certification remains eligible to renew certification in the classification according to Section 4-363.4 and is subject to the requirements of Article 10 of this chapter, as applicable.

(e) An Assistant Inspector is a certified Project Inspector and approved by DSA to assist a Class 1 or Class 2 Project Inspector. In performance of their duties in the role, an Assistant Inspector is subject to the requirements of Article 10 in this chapter, as applicable.

4-360.2. DSA Certified Special Inspector classifications. A DSA Certified Special Inspector is certified in one or more of the following categories to inspect construction that contains:

(a) Masonry.

(b) Shotcrete.

(c) Structural glued-laminated and cross-laminated timber.

4-360.3. Fees. Fees are required for Project Inspector and DSA Certified Special Inspector certification. These fees are nonrefundable and shall not exceed the following:

(a) Project Inspector certification fees:

1. **Application fee.** Fee is due at application submittal and is assessed each time an application is submitted. Fee is determined by eligibility category:
   A. $175.00 for California licensed architects and registered engineers.
   B. $225.00 for all other applicants.
2. **Training fee.** Fee is due at training registration and is required for all applicants at initial certification.
   A. $500.00 Project Inspector Overview Training Fee.
   B. Acceptance Testing Training is required for initial certification. A fee for the training, if required, is paid by the candidate directly to the independent provider.
3. **Examination fee.** Fee is due at registration for the examination and is charged each time the candidate registers for the examination:
   A. $200.00 Structural Plan Review.
   B. $100.00 Architectural Plan Review.
   C. $100.00 Mechanical, Electrical and Plumbing Plan Review.
   D. $250.00 Structural Codes and Standards.
   E. $100.00 Architectural Codes and Standards.
   F. $150.00 Mechanical, Electrical and Plumbing Codes and Standards.
   G. $100.00 Administrative Codes and Standards.
4. $400.00 Project Inspector Certification Renewal Examination Fee, charged each time the candidate registers for the examination.
5. $200.00 Project Inspector certification extension fee.

(b) DSA Special Inspector certification and renewal fees:

1. $100.00 Masonry Special Inspector Application Fee for processing the application. The examination fee, if required, is paid by the candidate directly to the independent provider.
2. $475.00 Shotcrete Special Inspector Application Fee for processing the application. The examination fee, if required, is paid by the candidate directly to the independent provider.
3. $490.00 Structural Glued and Cross-laminated Timber Examination Fee.

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4-361. Project Inspector examination eligibility criteria. To be eligible for a Project Inspector examination, an applicant shall possess a high school diploma or GED equivalent and shall meet the minimum qualifications indicated in the Project Inspector classification; or possess a valid California license as a structural engineer or architect; or possess a valid California license as a civil engineer demonstrating one year experience post licensure in the construction observation of buildings or structures. Information provided with the application will be verified. Information deemed as incomplete may be subject to additional inquiry, and alternative qualifications consistent with those noted herein may be considered.

For all classifications, construction experience shall be under the jurisdiction of federal, state or local authority having jurisdiction within the United States (US). Where a degree is substituted for experience, the degree must be from an accredited institution recognized by the US Department of Education's Database of Accredited Postsecondary Institutions and Programs (DAPIP), the Accreditation Board for Engineering and Technology (ABET), or the National Architectural Accrediting Board (NAAB) Education Evaluation Services for Architects (EESA). Degrees earned or completed courses from foreign colleges or universities will be evaluated based on their US equivalents. Candidates must submit certified transcripts that have been reviewed by an educational evaluation service recognized by the ABET, NAAB EESA or the National Association of Credential Evaluation Services (NACES).

4-361.1. Class 1 Project Inspector minimum qualifications. A candidate for the Class 1 Project Inspector examination shall demonstrate the minimum qualifications specified in one of five categories.

4-361.1.1. Category one.

(a) Four years of demonstrable experience in construction of new buildings or additions to buildings on minimum DSA Class 2 public school or community college projects, or hospital projects, or building projects of Type I or II construction in any of the following capacities:

1. As lead project superintendent.
2. As a code-enforcement entity's representative performing construction inspection, with valid certification from any of the following:
   A. Class "A" Hospital Inspector certified by the Office of Statewide Hospital Planning and Development (OSHPD).
   B. Commercial Combination Inspector certified by the International Code Council (ICC).
   C. Div II (Building) Registered Construction Inspector certified by the American Construction Inspectors Association (ACIA).
   D. Equivalent certification issued by a state or national organization accepted by DSA.

(b) The following may be substituted for the requisite experience indicated in Section 4-361.1.1(a):

1. A valid California license as a mechanical or electrical engineer responsible for the design and/or construction of respective building systems substitutes for two years of experience.
2. A bachelor's degree or higher with major work in architecture, engineering, building inspection and/or construction substitutes for one year of experience.
3. An associate's degree with major work in architecture, engineering, building inspection and/or construction substitutes for six months of experience.

4-361.1.2. Category two. Valid certification as a Class 2 Project Inspector and two years of demonstrable experience as the DSA Class 2 Project Inspector on public school or community college construction projects consistent with the classification as specified in Section 4-360.1.

4-361.1.3. Category three.

(a) Valid certification as a Class 2 Project Inspector with one year demonstrable experience as the DSA Class 2 Project Inspector on public school or community college construction projects consistent with the classification as specified in Section 4-360.1, and three years of demonstrable experience on commercial construction projects consistent with minimum DSA Class 2 classification as specified in Section 4-360.1, in any of the following capacities:

1. As an Assistant Inspector as defined in Section 4-333(d).
2. As lead project superintendent.
3. As a code-enforcement entity's representative performing construction inspection, with valid certification from any of the following:
   A. Class "A" Hospital Inspector certified by OSHPD.
   B. Commercial Combination Inspector certified by ICC.
   C. Div II (Building) Registered Construction Inspector certified by ACIA.
   D. Equivalent certification issued by a state or national organization accepted by DSA.

(b) The following may be substituted for the requisite experience indicated in Section 4-361.1.3(a):

1. Demonstrable experience as a journeyman-level tradesman working in the carpentry, steel, concrete or masonry trades on commercial projects of any type of construction. Experience is applied in monthly increments to a maximum of one year.
2. Valid certification as a special inspector issued by ICC, American Welding Society (AWS), American Concrete Institute (ACI), or a state or national organization accepted by DSA, with demonstrable experience inspecting

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steel, concrete, mass timber or masonry construction on commercial projects of any type of construction. Experience applied in monthly increments to a maximum of one year.

4-361.1.4. Category four.

(a) Valid certification as a Class 3 Project Inspector and three years of demonstrable experience as the DSA Class 3 Project Inspector on public school or community college construction projects consistent with the classification as specified in Section 4-360.1, and three years of demonstrable experience on commercial construction projects consistent with minimum DSA Class 2 classification as specified in Section 4-360.1, in any of the following capacities:

1. As an Assistant Inspector as defined in Section 4-333(d).
2. As lead project superintendent.
3. As a code-enforcement entity's representative performing construction inspection, with valid certification from any of the following:
   A. Class "A" Hospital Inspector certified by OSHPD.
   B. Commercial Combination Inspector certified by ICC.
   C. Div II (Building) Registered Construction Inspector certified by ACIA.
   D. Equivalent certification issued by a state or national organization accepted by DSA.

(b) The following may be substituted for the requisite experience indicated in Section 4-361.1.4(a):

1. Demonstrable experience as a journeyman-level tradesman working in the carpentry, steel, concrete or masonry trades on commercial projects of any type of construction. Experience is applied in monthly increments to a maximum of one year.
2. Valid certification as a special inspector issued by ICC, AWS, ACI, or a state or national organization accepted by DSA, with demonstrable experience inspecting steel, concrete, mass timber or masonry construction on commercial projects of any type of construction. Experience applied in monthly increments to a maximum of one year.

4-361.1.5. Category five. Valid certification as a Class 3 Project Inspector with one year demonstrable experience as the DSA Class 3 Project Inspector on public school or community college construction projects consistent with the classification as specified in Section 4-360.1; and ten years of demonstrable construction experience, of which four years shall be as a journeyman-level tradesman working in the carpentry, steel, concrete or masonry trades on commercial construction projects consistent with minimum DSA Class 2 classification as specified in Section 4-360.1. The following may substitute for the required experience:

(a) A bachelor's degree or higher with major work in architecture, engineering, building inspection and/or construction substitutes for journeyman-level tradesman experience.

(b) An associate's degree with major work in architecture, engineering, building inspection and/or construction substitutes for two years of journeyman-level tradesman experience.

(c) Coursework from an accredited college or university in architecture, engineering, building inspection and/or construction substitutes for the journeyman-level tradesman experience. Each completed course is applied a six-week time credit, to a maximum of one year experience.

4-361.2. Class 2 Project Inspector minimum qualifications. A candidate for the Class 2 Project Inspector examination shall demonstrate the minimum qualifications specified in one of five categories.

4-361.2.1. Category one.

(a) Three years of demonstrable experience in construction of new buildings or additions to buildings on minimum DSA Class 2 public school or community college, or hospital projects, or building projects of Type I, II, III or IV construction in any of the following capacities:

1. As lead project superintendent.
2. As a code-enforcement entity's representative performing construction inspection, with valid certification from any of the following:
   A. Class "A" Hospital Inspector certified by OSHPD.
   B. Commercial Combination Inspector certified by ICC.
      i. Five years of experience in the same role as a Commercial Building Inspector or Residential Combination Building Inspector certified by ICC may substitute for the requisite experience indicated in Section 4-361.2(a)2.
   C. Div II (Building) Registered Construction Inspector certified by ACIA.
   D. Equivalent certification issued by a state or national organization accepted by DSA.

(b) The following may be substituted for the requisite experience indicated in Section 4-361.2.1(a):

1. A valid California license as a mechanical or electrical engineer responsible for the design and/or construction of respective building systems substitutes for two years of experience.
2. A bachelor's degree or higher with major work in architecture, engineering, building inspection and/or construction substitutes for one year of experience.

3. An associate's degree with major work in architecture, engineering, building inspection and/or construction substitutes for six months of experience.

4-361.2.2. Category two. Valid certification as a Class 3 Project Inspector and two years of demonstrable experience as the DSA Class 3 Project Inspector on public school or community college construction projects consistent with the classification as specified in Section 4-360.1.

4-361.2.3. Category three.

(a) Valid certification as a Class 3 Project Inspector with one year demonstrable experience as the DSA Class 3 Project Inspector on public school or community college construction projects consistent with the classification as specified in Section 4-360.1, and two years of demonstrable experience on commercial construction projects consistent with minimum Class 2 classification as specified in Section 4-360.1, in any of the following capacities:

1. As an Assistant Inspector as defined in Section 4-333(d).
2. As lead project superintendent.
3. As a code-enforcement entity's representative performing construction inspection, with valid certification from any of the following:
   A. Class "A" Hospital Inspector certified by OSHPD.
   B. Commercial Building or Residential Combination Inspector certified by ICC.
   C. Div II (Building) Registered Construction Inspector certified by ACIA.
   D. Equivalent certification issued by a state or national organization accepted by DSA.

(b) The following may be substituted for the requisite experience indicated in Section 4-361.2.3(a):

1. Demonstrable experience as a journeyman-level tradesman working in the carpentry, steel, concrete or masonry trades on commercial projects of any type of construction. Experience is applied in monthly increments to a maximum of one year.
2. Valid certification as a special inspector issued by ICC, AWS, ACI, or a state or national organization accepted by DSA, with demonstrable experience inspecting steel, concrete, mass timber or masonry construction on commercial projects of any type of construction. Experience applied in monthly increments to a maximum of one year.

4-361.2.4. Category four. Eight years of demonstrable construction experience, of which three years shall be as a journey-man-level tradesman working in the carpentry, steel, concrete or masonry trades on commercial construction projects consistent with the minimum DSA Class 2 classification as specified in Section 4-360.1. The following may substitute for the required experience:

(a) A bachelor's degree or higher with major work in architecture, engineering, building inspection and/or construction substitutes for journeyman-level tradesman experience.

(b) An associate's degree with major work in architecture, engineering, building inspection and/or construction substitutes for two years of journeyman-level tradesman experience.

(c) Coursework from an accredited college or university in architecture, engineering, building inspection and/or construction substitutes for the journeyman-level tradesman experience. Each completed course is applied a six-week time credit, to a maximum of one year experience.

4-361.2.5. Category five. Two valid certifications as a special inspector in steel, concrete, mass timber or masonry construction issued by ICC, AWS, ACI, or a state or national organization accepted by DSA, and eight years of experience as a special inspector inspecting steel, concrete, mass timber or masonry construction on commercial projects of any type of construction. A maximum of three years of experience for each type of construction can be used to qualify.

4-361.2.6. Conditional examination eligibility. A candidate who is within one year of meeting the minimum qualifications specified in one of the five Class 2 categories may test for the Class 2 Project Inspector examination, upon approval by DSA. Certification will be withheld until the candidate demonstrates completion of the minimum qualifications specified in one of the five categories within three years of the date of passing the examination.

4-361.3. Class 3 Project Inspector minimum qualifications. A candidate for the Class 3 Project Inspector examination shall demonstrate the minimum qualifications specified in one of six categories.

4-361.3.1. Category one.

(a) Two years of demonstrable experience on building construction or construction consistent with minimum DSA Class 3 classification as specified in Section 4-360.1 in any of the following capacities:

1. As lead project superintendent.
2. As a code-enforcement entity's representative performing construction inspection, with valid certification from any of the following:
   A. Class "A" or "B" Hospital Inspector certified by OSHPD.
   B. Commercial Building Inspector or Residential Combination Inspector certified by ICC.
   C. Div II (Building) or Div IV (Public Works) Registered Construction Inspector certified by ACIA.
   D. Equivalent certification issued by a state or national organization accepted by DSA.

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(b) The following may be substituted for the requisite experience indicated in Section 4-361.3.1(a):

1. A bachelor's degree or higher with major work in architecture, engineering, building inspection and/or construction substitutes for one year of experience.
2. An associate's degree with major work in architecture, engineering, building inspection and/or construction substitutes for six months of experience.
3. Coursework from an accredited college or university in architecture, engineering, building inspection and/or construction substitutes for required experience. Each completed course is applied a six-week time credit, for a maximum of six months experience.

4-361.3.2. Category two. Valid California license as a mechanical or electrical engineer with one year demonstrable experience in the construction observation of building systems.

4-361.3.3. Category three. Valid certification as a Class 4 Project Inspector with two years of demonstrable experience as the DSA Class 4 Project Inspector on public school or community college construction projects consistent with the classification as specified in Section 4-360.1.

4-361.3.4. Category four.

(a) Valid certification as a Class 4 Project Inspector with one year minimum demonstrable experience as the DSA Class 4 Project Inspector on public school and community college construction projects consistent with the classification as specified in Section 4-360.1, and one year of demonstrable experience on commercial or residential construction projects consistent with minimum DSA Class 3 classification as specified in Section 4-360.1, in any of the following capacities:

1. As an Assistant Inspector as defined in Section 4-333(d).
2. As lead project superintendent.
3. As a code-enforcement entity's representative performing construction inspection, with valid certification from any of the following:
   A. Class "A" or "B" Hospital Inspector certified by OSHPD.
   B. Residential Combination Inspector or Commercial Building Inspector certified by ICC.
   C. Div II (Building) or Div IV (Public Works) Registered Construction Inspector certified by ACIA.
   D. Equivalent certification issued by a state or national organization accepted by DSA.
4. Demonstrable experience as a journeyman-level tradesman working in the carpentry, steel, concrete or masonry trades on commercial projects of any type of construction.
5. Valid certification as a special inspector issued by ICC, AWS, ACI, or a state or national organization accepted by DSA with demonstrable experience inspecting steel, concrete, mass timber or masonry construction on commercial projects of any type of construction.

(b) The following may be substituted for the requisite experience indicated in Section 4-361.3.4(a):

1. An associate's degree or higher with major work in architecture, engineering, building inspection and/or construction substitutes for one year experience.
2. Coursework from an accredited college or university in architecture, engineering, building inspection and/or construction substitutes for required experience. Each completed course is applied a six-week time credit, to a maximum of six months experience.

4-361.3.5. Category five. Six years of demonstrable construction experience, including two years demonstrable experience as a journeyman-level tradesman working in the carpentry, steel, concrete or masonry trades on commercial or residential construction projects consistent with minimum DSA Class 3 classification as specified in Section 4-360.1. The following requirements substitute for the required experience:

(a) A bachelor's degree or higher with major work in architecture, engineering, building inspection and/or construction substitutes for up to two years journeyman-level tradesman experience.

(b) An associate's degree with major work in architecture, engineering, building inspection and/or construction substitutes for up to one year journeyman-level tradesman experience.

(c) Coursework from an accredited college or university in architecture, engineering, building inspection and/or construction substitutes for required experience. Each completed course is applied a six-week time credit, to a maximum of six months experience.

4-361.3.6. Category six. Two valid certifications as a special inspector in steel, concrete, mass timber or masonry construction issued by ICC, AWS, ACI, or a state or national organization accepted by DSA, and four years of experience as a special inspector inspecting steel, concrete, mass timber or masonry on commercial projects of any type of construction. A maximum of two years of experience for each type of construction can be used to qualify.

4-361.3.7. Conditional examination eligibility. A candidate who is within one year of meeting the minimum qualifications specified in one of the six Class 3 categories or a candidate with a bachelor's degree or higher with major work in architecture, engineering, building inspection and/or construction may test for the Class 3 Project Inspector examination, upon approval by DSA. Certification will be withheld until the candidate demonstrates completion of the minimum qualifications specified in one of the six categories within three years of the date of passing the examination. If three years pass prior to

obtaining the experience, DSA may require the candidate to pass an examination covering regulatory changes since the previously passed examination and pay applicable examination fees.

4-361.4. Assistant Inspectors. Prior to being approved by DSA as an Assistant Inspector for a project, the individual shall satisfy the following requirements:

(a) Hold valid certification as a Class 1, Class 2, Class 3 or Class 4 inspector.

(b) Have three years of demonstrable construction and/or inspection experience in the type of construction that the Assistant Inspector will be approved to inspect.

(c) For newly certified inspectors without prior inspection experience on projects under DSA jurisdiction, completion of specified training is required.

4-362. DSA Certified Special Inspector examination eligibility criteria. Eligibility criteria for DSA Certified Special Inspector examinations shall be in accordance with this section. To be eligible for a DSA Certified Special Inspector examination, an applicant shall possess a high school diploma or GED equivalent, and shall:

(a) Demonstrate at least three years of experience in construction or special inspection work in the category for which the candidate is applying for examination.

(b) Hold valid certification as a special inspector in concrete, masonry or mass timber types of construction issued by ICC, ACI, or a state or national organization accepted by DSA.

4-363. Certification requirements. A candidate for Project Inspector and DSA Certified Special Inspector certification shall meet the requirements of this section to obtain certification.

4-363.1. Candidate eligibility application. A candidate for Project Inspector and DSA Certified Special Inspector certification shall submit the applicable candidate eligibility application for approval and payment of an application fee corresponding to the candidate's eligibility category.

4-363.2. Inspector examination. Each Project Inspector classification examination measures the applicant's ability to read and comprehend construction documents associated with performing inspections on projects under DSA jurisdiction consistent with the classification and the construction, inspection and testing requirements of the *California Building Standards Code*.

Each DSA Certified Special Inspector examination measures the applicant's knowledge of administrative, documentation and reporting requirements as well as proper verification of relevant construction materials and their fabrication and installation.

A candidate may register for the Project Inspector or DSA Certified Special Inspector examination upon confirmation of eligibility. At each registration for the Project Inspector or DSA Certified Special Inspector examination, a candidate shall submit the examination registration form by the deadline and payment of the applicable examination fee corresponding to the examination for which the candidate is registering.

4-363.3. Issuance of certification. A candidate may request certification as a Project Inspector or DSA Certified Special Inspector upon confirmation that the candidate has passed the classification examination.

(a) A request for certification by the candidate is demonstrated by submission to DSA of a completed and signed prescribed form that includes the candidate's contact information, Social Security Number and/or Federal Taxpayer ID.

(b) Certification is valid for a period of four years beginning on the date specified in the letter of certification confirmation. Project Inspectors who successfully complete the requirements for a higher classification will have their lower classification superseded by the higher classification, with certification valid for a period of four years beginning on the date specified in the letter of certification confirmation for the higher classification.

(c) A Project Inspector and DSA Certified Special Inspector with valid certification will be added to the DSA Certified Inspectors List published on the DSA website.

(d) Project Inspectors will not be approved for inspection services for projects requiring Title 24 Part 6 Acceptance Testing until the Project Inspector has completed applicable training.

(e) Project Inspectors who have not previously taken the Project Inspector Overview training course are required to successfully complete the course before they will be approved for a project.

4-363.4. Certification renewal. A Project Inspector or DSA Certified Special Inspector shall renew certification prior to the last day of the certification period to avoid certification expiration.

4-363.4.1. Project Inspector certification renewal request. A request for Project Inspector certification renewal is demonstrated by meeting the following requirements:

(a) Successful completion of specified training.

(b) Payment of the certification examination renewal fee.

(c) Successfully passing the examination associated with renewal.

4-363.4.2. DSA Certified Special Inspector certification renewal request. A request for DSA Certified Special Inspector certification renewal is demonstrated by meeting the following requirements:

(a) Submission of a renewal application.

(b) Submission of evidence of valid certification from ICC, when applicable.

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4-363.5. Certification expiration. If a Project Inspector or DSA Certified Special Inspector fails to satisfy the requirements in Section 4-363.4, the certification is no longer valid.

(a) Individuals without valid certification shall not perform inspections on projects under DSA jurisdiction and shall have active project approval withdrawn.

(b) Individuals without valid certification issued by DSA will have their name removed from the applicable DSA Certified Inspectors List published on the DSA website.

(c) A Project Inspector certification which is not renewed within six months after its expiration in accordance with Section 4-363.6 may not be renewed.

4-363.6. Project Inspector certification extension. A Project Inspector certification that has expired may be extended, subject to DSA approval, up to six months after expiration provided the individual has no pending cause for action in accordance with Section 4-365. A request for extension can be made up to three months prior to certification expiration or any time during the six-month period after certification expiration.

A Project Inspector must make a request to extend their certification by contacting the DSA Inspector Certification Unit in writing to DSA Headquarters, in addition to payment of the certification extension fee. The request must include the following information: name, business mailing address, business phone number, email address, certification number, certification expiration date and an explanation why the requestor is/was unable to meet recertification requirements of Section 4-363.4 prior to their certification expiration.

Upon confirmation by DSA of successful extension, the Project Inspector must meet the renewal requirements of Section 4-363.4 prior to the expiration of the extension. Only one extension will be granted. Upon completion of renewal requirements, the four-year renewal period is established from the day after the original expiration date of the previous certification period.

DSA Certified Special Inspectors are not eligible for certification extension.

4-363.7 Requests for certification after expiration. An individual who fails to renew their Project Inspector certification within six months of certification expiration may obtain certification anew in the classification previously held by meeting the requirements commencing with Section 4-363, or in a higher classification by meeting the requirements of Section 4-361, provided there was no pending cause for action under Section 4-365 when the individual's certification expired.

An individual who fails to renew their DSA Certified Special Inspector certification prior to the certification expiration may obtain certification anew in the classification previously held by meeting the requirements commencing with Section 4-363, provided there was no pending cause for action under Section 4-365 when the individual's certification expired.

4-364. Professional conduct. A candidate in the process of certification, and a Project Inspector or DSA Certified Special Inspector with valid certification, shall maintain good standing in accordance with the following:

(a) The designation of Project Inspector or DSA Certified Special Inspector shall only be used by those who hold valid certification.

(b) A Project Inspector or DSA Certified Special Inspector shall conduct themselves in a professional and ethical manner on projects under DSA jurisdiction.

(c) A change in contact information to an inspector's mailing address, email address and telephone number shall be submitted to DSA within ten business days of such change.

(d) An applicant for either the certification or recertification examination shall conduct themself during the examination in an ethical manner, with honesty and consideration for other examinees, shall not reveal examination contents with anyone during or after the examination and shall comply with published rules of the examination.

(e) A candidate in the process of certification, and a Project Inspector or DSA Certified Special Inspector with valid certification shall not engage in any act that affects good standing, including but not limited to those acts specified in Section 4-365. The candidate or inspector shall immediately report to DSA any act that affects good standing as set forth in Section 4-365.

4-365. Cause for action. DSA may deny eligibility for certification examination, deny issuance or renewal of certification, withdraw project approval, or suspend or revoke certification for any of the following acts affecting good standing, including but not limited to:

(a) Failure to satisfy the requirements of Article 5, Article 6 and Article 10 of Group 1 in this chapter, and failure to comply with the applicable inspection-related referenced standards on the DSA-approved plans and specifications.

(b) Making a false statement or omitting a material fact required to be disclosed in the candidate eligibility application, certification renewal application or in the reporting requirements on projects under DSA jurisdiction.

(c) Conviction of a crime considered to be substantially related to the qualifications, functions or duties of a Project Inspector or a DSA Certified Special Inspector. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Such crimes shall include, but not be limited to, the following:

1. A conviction of child abuse.
2. A conviction as a sex offender.
3. The conviction of any crime involving narcotics, dangerous drugs or dangerous devices, as defined in Section 4022 of the Business and Professions Code.
4. A conviction for assault and/or battery or lewd conduct.

(d) The suspension, revocation or denial of a professional license by a state licensing board or other governmental agency, or by another state or territory of the United States.

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(e) The appearance of a certification holder on a certified list of persons (obligators) who have not complied with a judgment or court order to provide child support payments, pursuant to Family Code Section 17520, and who fails to come into compliance within 150 days of issuance of a written notice of intent to suspend or withhold issuance or renewal of certification. Temporary certification will be offered for a period of 150 days, which, upon expiration, the temporary certification will be invalidated unless DSA has received a release from the local child support agency that submitted the name on the certified list.

(f) The appearance of a certification holder on a certified list of persons who have outstanding tax obligations due to the Franchise Tax Board or the State Board of Equalization, pursuant to Business and Professions Code Section 494.5, and who fails to come into compliance within 90 days of issuance of a written notice of intent to suspend or withhold issuance or renewal of certification. Temporary certification will be offered for a period of 90 days, which, upon expiration, the temporary certification will be invalidated unless DSA has received a release from the Franchise Tax Board or the State Board of Equalization that submitted the name on the certified list.

(g) Acts of dishonesty, fraud or deceit that are substantially related to the qualifications, functions or duties of a Project Inspector or DSA Certified Special Inspector with the intent to substantially benefit themselves or another, or substantially injure another.

(h) Failure to immediately report to DSA information that affects good standing, and/or failure to provide documentation requested/required.

4-366. Adverse action. DSA may expel an applicant from a certification or recertification examination without passage of any or all parts, require forfeiture of fees, require payment of fines and other costs incurred by DSA in addressing noncompliance, and nonentry to future certification or recertification examinations for any act in violation of Section 4-364 or acts affecting good standing associated with examinations, including but not limited to those specified in Section 4-365.

DSA may withdraw project approval, deny issuance or renewal of certification, or suspend or revoke certification for any act in violation of Section 4-364 or acts affecting good standing associated with inspector certification or project approval, including but not limited to those specified in Section 4-365. In case of withdrawal of project approval or suspension of certification, failure to successfully address the corrective measures specified may lead to additional adverse action, including revocation of certification.

(a) DSA will withdraw the approval of the inspector from any or all active projects if DSA determines an action by the inspector causes the risk of immediate and serious harm to public health, life and safety.

(b) DSA will issue a written notice to the Project Inspector or DSA Certified Special Inspector of the intent to suspend or revoke certification, or to deny issuance or renewal of certification.

1. The written notice shall include the action being taken, a summary of the facts and allegations, and, if applicable, material upon which the action is based. The notice shall provide the Project Inspector or DSA Certified Special Inspector ten (10) calendar days to respond, and the effective date of the action if no response is received within the ten calendar days. Service of the written notice shall be by registered mail addressed to the individual at the most recent address filed by the individual with DSA. Service by mail is complete at the time of mailing.
2. DSA shall issue a decision in writing within 15 calendar days from the receipt of the response. The time to render the decision may be extended as necessary. Service of the decision shall be by registered mail addressed to the individual at the most recent address filed by the individual with DSA. Service by mail is complete at the time of mailing.

(c) The individual with suspended or revoked certification shall not use the Project Inspector or DSA Certified Special Inspector designation or perform work requiring certification beyond the effective date of suspension or revocation of certification.

(d) The individual will be removed from the published Certified Inspectors List and/or DSA Special Inspector List.

(e) The individual may make a request for reinstatement as set forth in Section 4-369 after DSA determines that the individual has met the criteria for reinstatement set forth in Section 4-368.

4-367. Filing an appeal. An individual may appeal the decision of denial of candidate eligibility, denial of issuance or renewal of certification, or suspension or revocation of certification.

(a) The appeal from the denial of eligibility shall be accompanied by supporting documentation and shall be filed with DSA within 30 calendar days from the date of mailing of the denial. DSA shall issue its decision within 30 calendar days of the appeal. The decision from appeal of candidate eligibility is final. A candidate may reapply for eligibility as set forth in Section 4-363.1.

(b) A decision of denial of issuance or renewal of certification, or suspension or revocation of certification may be appealed to the State Architect. Appeal hearings shall be conducted in accordance with the Administrative Procedures Act, Chapter 5, Part 1 of Division 3, Title 2, Government Code, commencing with Section 11500. There shall be no stay of the decision pending an appeal.

1. The appeal shall be filed in writing to DSA within 30 calendar days of the date of the mailing of the decision.
2. The appellant shall be notified in writing of the final determination made by the State Architect or their designee. Service of the final determination shall be by registered mail. Service shall be complete at the time of mailing.

4-368. Criteria for reinstatement. When considering reinstatement of candidate eligibility for examination, or reinstatement of certification eligibility after disciplinary action pursuant to Sections 4-365 to 4-367, the State Architect may consider the following criteria:

(a) Nature and severity of the act(s) or offense(s) leading to the conviction.

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(b) The time that has elapsed since conviction.

(c) If applicable, evidence of expungement proceedings pursuant to Sections 1203.4, 1203.4a or 1203.41 of the Penal Code.

(d) Evidence submitted by the candidate or the individual whose certificate had been revoked, including but not limited to the circumstances surrounding the dismissal, any pattern of successful rehabilitation after the dismissal, improved behavior, acceptance of responsibility, demonstration of readiness, and any other relevant information.

4-369. Reinstatement after disciplinary action. An individual may request reinstatement of candidate eligibility for examination, or reinstatement of certification eligibility after disciplinary action, according to the following:

(a) A request for reinstatement shall be filed in writing to the State Architect and may be granted upon proof of compliance of all provisions of the decision as to reinstatement or, in the absence of that decision, upon proof of rehabilitation pursuant to Section 4-368.

(b) If certification is reinstated prior to certification expiration, no extension of the certification period will be granted, and the certification will expire on the last day of the certification period.

(c) The provisions of Section 4-363.6 are not applicable to a certification that has expired after disciplinary action.

(d) If reinstatement of eligibility for certification is granted by DSA after certification expiration, the individual may obtain certification by meeting the requirements commencing with Section 4-363 except as provided in Section 4-369(e).

(e) If after certification expiration an appellant has had eligibility for certification reinstated through the appeal process as set forth in Section 4-367, the individual is subject to the requirements of Section 363.4, which must be completed prior to receiving project approval, and if renewal is successful, the four-year certification period is established from the day after the original expiration date of the previous certification period.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17311 and 81143.

ARTICLE 11—LABORATORY ACCEPTANCE

4-370. DSA Laboratory Evaluation and Acceptance. Only laboratories that hold a valid laboratory acceptance letter issued by the DSA Laboratory Evaluation and Acceptance (LEA) program in accordance with Section 4-372 are eligible to conduct special inspection and/or material testing services on public school and community college construction projects.

4-370.1. Fees. Fees are required in the LEA program to cover the costs of evaluating the laboratory. These fees are nonrefundable and shall not exceed the following:

(a) **Application fee.** Fee is due at application submittal and is assessed each time an application is submitted.

1. $8,000.00 for New Applicant, Renewal of Acceptance, Re-Evaluation (following Acceptance Withdrawn).
2. $2,000.00 for Laboratory Location Change.
3. $1,000.00 for Engineering Manager Change.
4. $500.00 for Changes to Supervisors, Laboratory Name, Laboratory Services.

4-371. Laboratory accreditation criteria. The laboratory shall obtain and maintain accreditation in accordance with ASTM E329-11: *Standard Specification for Agencies Engaged in Construction Inspection, Testing, or Special Inspection*, through the period of acceptance, including:

(a) Receiving on-site assessments and quality system evaluations, as applicable to the laboratory's scope of services, by the following:

1. The American Association of State Highway and Transportation Officials (AASHTO) re:source.
2. The Cement and Concrete Reference Laboratory (CCRL).

(b) Maintaining accreditation from the AASHTO Accreditation Program (AAP).

(c) Obtaining and maintaining accreditation for the following standards, as applicable:

1. ASTM C1077 (Aggregate).
2. ASTM C1077 (Concrete).
3. ASTM C1093 (Masonry).
4. ASTM D3740 (Soil).

(d) Maintaining participation in applicable AASHTO re:source and CCRL proficiency sample programs.

(e) Other nationally recognized evaluation services or accreditation bodies may be accepted if such entities are deemed equivalent by DSA.

4-372. Acceptance requirements. A laboratory shall meet the requirements of this section to obtain laboratory acceptance.

4-372.1 Laboratory acceptance process. To begin the laboratory acceptance process, a laboratory shall submit the following:

(a) A laboratory evaluation application including:

1. Laboratory contact information.
2. Personnel list.
3. Personnel qualifications/certifications.
4. Laboratory accreditation information.

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5. Laboratory scope of services.
6. Subcontractors.
7. Quality management system.

(b) Provide or authorize the release of accreditation, assessment and proficiency sample testing information in accordance with Section 4-371.

(c) Disclosure of personnel who are restricted from being on a school site when minors are present.

(d) Payment of an application fee.

(e) A completed tax/child or family support delinquency form upon successful completion of the on-site laboratory evaluation.

4-372.2. Engineering manager. A laboratory shall employ a full-time engineering manager with the following qualifications:

(a) Holds valid California license as a civil engineer.

(b) Possesses a minimum of five years of relevant experience in the inspection and testing industry.

(c) Holds a management position in the laboratory.

(d) Is knowledgeable of Title 24, California Building Standards Code requirements pertaining to materials testing and special inspection.

(e) Is not employed by any other DSA-accepted laboratory that provides special inspection or testing services on projects where DSA has jurisdiction.

4-372.3 On-site laboratory evaluation. Upon review that the submission of the documentation required by Section 4-372.1 meets the requirements, DSA will perform an on-site laboratory evaluation including but not limited to assessment of the following:

(a) Compliance with Sections 4-335.1 and 4-371 through 4-373.

(b) Demonstrable evidence that the laboratory engineering managerial and supervisory staff are familiar with Title 24, C.C.R. requirements pertinent to materials testing and special inspection.

(c) Demonstrable evidence of adequate quality management system, facilities, equipment, personnel expertise and technical references to permit the performance of testing and special inspections in compliance with applicable national standards and regulations.

4-372.4. Letter of acceptance. Upon successful completion of the on-site laboratory evaluation, DSA will issue a letter of laboratory acceptance to the engineering manager which demonstrates that the laboratory has met the criteria established for performance of material testing and special inspection on projects under DSA jurisdiction, limited to the applicable scope of services for which the laboratory has been accepted. Laboratory acceptance is valid for a period of four years from the date of the letter of acceptance. Laboratories with valid acceptance will appear on the List of Accepted Laboratories published by DSA, indicating the types of tests and inspections for which they have been approved.

4-372.4.1. Conditions of acceptance. As a condition of acceptance, laboratories shall abide by the following:

(a) Laboratories shall submit to audit in accordance with Section 4-372.5.

(b) Engineering managers shall ensure that laboratory personnel who perform work on a school site have no criminal convictions or restraining orders that restrict their ability to be in the vicinity of a school.

4-372.5. Laboratory audits. A laboratory that holds a valid letter of acceptance is subject to audit at any time during the period of acceptance.

4-372.5.1. Scope of audit. An audit of the laboratory includes, but is not limited to:

(a) LEA program records as defined in Section 4-335.1.

(b) Project-specific records.

(c) On-site examination of equipment and associated records.

(d) Records of special inspection and testing services.

4-372.5.2. Unsatisfactory audit. Laboratories that have an unsatisfactory audit are subject to adverse action in accordance with Section 4-375.

4-372.6. Acceptance renewal. Laboratories shall renew acceptance prior to the last day of the acceptance period to avoid expiration. A request for laboratory acceptance renewal is demonstrated by meeting anew the requirements of Section 4-372 and shall be submitted to DSA a minimum of 60 calendar days prior to laboratory acceptance expiration.

4-372.7. Acceptance expiration. If a laboratory fails to renew acceptance prior to the date of expiration, laboratory acceptance is no longer valid. A laboratory without valid acceptance shall not conduct material testing and special inspection on projects where DSA has jurisdiction.

4-372.8. Acceptance extension. If extenuating circumstances prevent timely laboratory acceptance renewal, a laboratory may receive an extension of the acceptance period by either of the following actions:

(a) Any delay in laboratory acceptance renewal process for laboratories in good standing that submitted for timely renewal in accordance with Section 4-372.6 will be given a maximum extension of 60 calendar days to facilitate DSA review and on-site evaluation, or to resolve cited deficiencies. Upon successful laboratory acceptance renewal, the effective date of the acceptance period will be four years from the original date of laboratory acceptance.

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(b) The submission of a written request for extension after receiving notification of issues required to be resolved to maintain acceptance, with an explanation of the factors that will prevent a timely acceptance renewal in accordance with Section 4-372.6, by email or postal mail a minimum of 60 calendar days prior to laboratory acceptance expiration. If granted, the extension is valid for not more than 90 calendar days. Extensions of laboratory acceptance are at the sole discretion of DSA, and only one extension period will be considered. Laboratories with acceptance extension shall complete the requirements for acceptance renewal prior to expiration of the extension. Upon successful laboratory acceptance renewal, the effective date of the acceptance period will be four years from the original date of laboratory acceptance.

4-373. Professional conduct. A laboratory and the engineering manager shall maintain good standing in accordance with the following:

(a) The designation of DSA Accepted Laboratory shall only be used by laboratories that have successfully completed the laboratory acceptance process required by DSA.

(b) The engineering manager and laboratory personnel shall conduct themselves in a professional and ethical manner on projects under DSA jurisdiction.

(c) A change in contact information of the laboratory's mailing address, email address and telephone number shall be submitted to DSA within ten business days of such change.

(d) Laboratory leadership shall notify DSA of changes in engineering management, supervisory personnel, laboratory location, major equipment or other key factors upon which acceptance is contingent within 30 calendar days of such change.

(e) Laboratories shall not engage in any act specified in Section 4-374 that affects good standing. The engineering manager shall report an act that affects good standing as set forth in Section 4-374 immediately to DSA.

4-374. Cause for action. DSA may suspend or withdraw laboratory acceptance, deny renewal of laboratory acceptance or restrict the services a laboratory can provide on projects under DSA jurisdiction for any of the following acts, including but not limited to:

(a) Failure to maintain laboratory acceptance, and failure to perform work in accordance with Article 5, Article 6, Article 10 and Article 11 of Group 1 in this chapter.

(b) Failure to employ a full-time engineering manager approved by DSA in compliance with Section 4-372.2.

(c) Failure of the engineering manager to maintain a valid professional license as a civil engineer issued by the State of California.

(d) Conviction of a crime by laboratory owners, engineering manager or by personnel performing work on a school site that is substantially related to the qualifications, functions or duties of the laboratory. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

(e) Failure to notify DSA of changes in engineering management, supervisory personnel, laboratory location, major equipment or other key factors upon which acceptance is contingent in accordance with Section 4-373.

(f) Failure to maintain laboratory accreditation as specified in Section 4-371, as applicable to the DSA letter of acceptance.

(g) Failure to report that materials and/or workmanship of tested construction fails to meet the requirements of DSA-approved documents.

(h) Incorrectly obtaining test samples, mishandling test samples and/or failing to test materials as required by the approved documents, code and referenced standards.

(i) Failure to utilize technicians or special inspectors that meet the qualification and/or certification requirements in accordance with Article 5.

(j) Failure to adequately supervise technicians and/or special inspectors in the performance of tests and inspections.

(k) Failure to comply with the DSA-approved documents for a project.

(l) Failure to immediately report to DSA information that compromises laboratory acceptance, and/or failure to provide documentation requested/required by DSA.

(m) Receiving an unsatisfactory audit by DSA.

(n) Making a false statement or omitting a material fact required to be disclosed in reporting requirements.

(o) Acts of dishonesty, fraud or deceit by laboratory personnel with the intent to substantially benefit themselves or another, or substantially injure another.

(p) The appearance on a certified list of outstanding tax obligations due to the Franchise Tax Board or the State Board of Equalization, pursuant to Business and Professions Code Section 494.5, and failure to come into compliance within 90 calendar days of issuance of a written notice of intent to suspend or withhold issuance or renewal of laboratory acceptance. Temporary acceptance will be offered for a period of 90 calendar days, which, upon expiration, the temporary acceptance will be invalidated unless DSA has received a release from the Franchise Tax Board or the State Board of Equalization that submitted the name on the certified list.

4-375. Adverse action. DSA may suspend or withdraw laboratory acceptance, deny issuance or renewal of laboratory acceptance, or restrict the services a laboratory can provide on projects under DSA jurisdiction for any cause for action specified in Section 4-374.

(a) DSA may take disciplinary action and/or issue corrective measures when the laboratory fails to perform its required duties or functions on projects where DSA has jurisdiction. Failure to successfully complete the corrective measures will lead to additional adverse action, including suspension or withdrawal of laboratory acceptance.

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(b) DSA will issue a written notice to the laboratory of the intent to suspend or withdraw laboratory acceptance, or to deny issuance or renewal of acceptance. The written notice shall include the action being taken, a summary of the facts and allegations, and, if applicable, material upon which the action is based.

1. The engineering manager shall be given ten calendar days to respond to the notice, otherwise the action being taken will be effective as specified in the notice. Service of the written notice shall be by registered mail to the laboratory at the most recent address filed with DSA. Service is complete at the time of mailing.
2. DSA shall issue a decision in writing within 15 days from the receipt of the response. The time to render the decision may be extended as necessary. Service of the decision shall be by registered mail addressed to the laboratory at the most recent address filed with DSA. Service is complete at the time of mailing.

(c) DSA has the discretion to immediately order that a letter of acceptance be suspended as necessary to ensure public health, life and safety.

(d) A laboratory with suspended or withdrawn acceptance shall not use the DSA Accepted Laboratory designation or perform work requiring laboratory acceptance beyond the effective date of suspension or withdrawal of acceptance.

(e) The laboratory will be removed from the DSA List of Accepted Laboratories published by DSA.

(f) The laboratory may make a request for laboratory reinstatement as set forth in Section 4-378 after DSA determines that the laboratory has met the criteria for reinstatement set forth in Section 4-377.

4-376. Filing an appeal. A laboratory may appeal the decision of suspension or withdrawal of acceptance or denial of laboratory acceptance renewal.

(a) A laboratory that has had a laboratory acceptance application denied may file an appeal without payment of an additional application fee. The appeal shall be accompanied by supporting documentation and shall be filed with DSA within 30 calendar days from the date of mailing of the denial. DSA shall issue its decision within 30 calendar days of the appeal. After appeal, the decision on initial laboratory acceptance by DSA will be final. A LEA program applicant may reapply for laboratory acceptance as set forth in Section 4-372.

(b) A decision of suspension or withdrawal of laboratory acceptance, or denial of laboratory acceptance renewal, may be appealed to DSA. Appeal hearings shall be conducted in accordance with the Administrative Procedures Act, Chapter 5, Part 1 of Division 3, Title 2, Government Code, commencing with Section 11500. There shall be no stay of a decision to suspend or withdraw laboratory acceptance pending an appeal.

1. The appeal shall be filed in writing to DSA within 30 calendar days of the date of the mailing of the decision.
2. The appellant shall be notified in writing of the final determination by the State Architect regarding the appeal. The final determination shall be effective immediately upon service. Service of the final determination shall be by registered mail and shall be complete at the time of mailing.

4-377. Criteria for reinstatement. The State Architect may consider the following criteria for reinstatement:

1. Nature and severity of the act(s) or offense(s).
2. The time that has elapsed since commission of the act(s) or offense(s).
3. Demonstration of meeting the conditions for reinstatement as determined upon the conclusion of the investigation of a violation that results in denial of laboratory acceptance, suspension or withdrawal of laboratory acceptance, or denial of laboratory acceptance renewal.

4-378. Reinstatement. A laboratory may seek reinstatement of laboratory acceptance according to the following:

(a) A request for reinstatement shall be in writing to the State Architect and may be granted upon proof of compliance of all provisions of the decision pertaining to reinstatement or, in the absence of DSA's decision, upon proof of rehabilitation pursuant to Section 4-377.

(b) If laboratory acceptance is reinstated prior to acceptance expiration, no extension of the acceptance period will be granted, and the acceptance will expire on the last day of the acceptance period.

(c) The provisions of Section 4-372.8 are not applicable to a certification that has expired after disciplinary action.

(d) If reinstatement of eligibility for laboratory acceptance is granted by DSA after certification expiration, the laboratory may obtain acceptance by meeting the requirements commencing with Section 4-372 except as provided in Section 4-378(e).

(e) If after acceptance expiration an appellant has had acceptance eligibility reinstated through the appeal process as set forth in Section 4-376, the laboratory is subject to the requirements of Section 4-372 and the four-year acceptance period is established from the day after the original expiration date of the previous acceptance period.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17309 and 81141.

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GROUP
2

SAFETY OF CONSTRUCTION OF PUBLIC SCHOOLS: FIRE AND LIFE SAFETY

ARTICLE 1—GENERAL PROVISIONS

4-401. Purpose. These regulations implement Section 14963 of the Government Code to ensure that elementary, secondary or community college buildings and facilities constructed or altered pursuant to these regulations are in compliance with the California Code of Regulations, Title 24 related to the design aspects of the Fire and Life Safety (FLS) elements, components and systems.

Authority: Government Code Section 14963.

Reference: Government Code Section 14963.

4-402. Scope. Title 24, California Code of Regulations (C.C.R.) parts 2, 3, 4, 5, 7, 9 and 10; known as the California Building Code, designate building regulations that are applicable to the Fire and Life Safety portions of the design, construction, reconstruction, rehabilitation, alteration of or addition to any school building as defined in Sections 17283 and 81050 of the Education Code. The term "school building" shall include all buildings, structures, appurtenances and related systems or facilities as defined in Section 4-314. Section 14963, Government Code, authorizes the Division of the State Architect (DSA) to carry out the functions and duties related to plan check and inspections of the construction of school buildings.

Authority: Government Code Section 14963.

Reference: Government Code Section 14963. Education Code Sections 17283 and 81050.

4-403. Authority for enforcement of regulations. All duties and functions that relate to the Fire and Life Safety aspects of school construction plan checking and inspections have been vested by law in the Division of the State Architect.

Authority: Government Code Section 14963.

Reference: Government Code Section 14963.

4-404. Alternate materials and methods of construction and modifications. The provisions of these regulations are not intended to prevent the use of any material or method of construction not specifically prescribed by these regulations, provided any alternate has been approved and its use authorized by DSA or the State Fire Marshal.

DSA may approve any such alternate, provided DSA finds that the proposed design is satisfactory and complies with the provisions of these regulations and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in these regulations in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.

DSA shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any action granting acceptance of an alternate shall be recorded and entered in the files of DSA.

When there are practical difficulties involved in carrying out the provisions of these regulations, DSA may grant modifications for individual cases. DSA shall first find that a special individual reason makes the strict letter of these regulations impractical, that the modification is in conformance with the intent and purpose of these regulations, and that such modification does not lessen any fire protection requirements, accessibility or degree of structural integrity. The details of any action granting modifications shall be recorded and entered in the files of DSA.

Authority: Education Code Sections 17310 and 81142. Government Code Section 14963.

Reference: Education Code Sections 17280 and 81130. Government Code Section 14963.

4-405. Application of building standards. Building standards applicable to public school buildings are set forth in Parts 2, 3, 4, 5, 6, 7, 9, 10, 11 and 12, Title 24, C.C.R., and have been adopted as minimum design and construction standards upon which to base the approval of plans and specifications. These regulations shall not be construed to prevent the use of higher design standards or to restrict the use of new or innovative design or construction techniques.

Where the designer desires to use innovative design or construction techniques not addressed in these regulations it shall be necessary to submit for review and approval information including computations, test data and recommendations covering the design in question. The designer shall confer with DSA concerning the applicability of these innovative design or construction techniques to school building construction prior to the submittal of plans and specifications.

DSA must be satisfied that the degree of safety achieved by these innovative design and construction techniques is at least equivalent to that achieved by the regulations. The determination of the equivalency of the degree of safety shall be the responsibility of DSA.

Authority: Education Code Sections 17310 and 81142. Government Code Section 14963.

Reference: Education Code Sections 17280 and 81130. Government Code Section 14963.

4-406. Approval of construction, reconstruction, rehabilitation, alteration of or addition to any school buildings. Plans and specifications for any new school building or for the reconstruction, rehabilitation, alteration of or addition to school buildings shall be submitted to DSA for approval as required by and in accordance with Sections 4-306 through 4-310. This approval shall include Fire and Life Safety.

Authority: Government Code Section 14963. Education Code Sections 17310 and 81142.

Reference: Government Code Section 14963. Health and Safety Code Section 13143. Education Code Sections 17280, 17295, 81130 and 81133.

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ARTICLE 2—DEFINITIONS

4-410. General. The words defined in Sections 4-314 and 4-411 shall have the meaning stated therein throughout the regulations contained in Part 1, Section 4-400, et seq, Title 24, C.C.R.

Authority: Education Code Sections 17310 and 81142. Government Code Section 14963.

Reference: Education Code Sections 17283, 81130, 81050 and 81529.

4-411. Definitions.

CLASSROOM shall mean a room or area in a school or college in which a class of students receives instruction related to an academic program.

DIVISION OF THE STATE ARCHITECT or DIVISION, or initials **DSA**, shall mean the Division of the State Architect in the Department of General Services, State of California.

INSPECTOR shall mean any person duly approved by DSA to perform construction inspection for a particular project. (See Sections 4-333 and 4-342.)

SHADE STRUCTURE shall mean a free-standing permanent canopy structure of rigid construction over which a covering is attached that provides weather protection.

Authority: Education Code Sections 17310 and 81142. Government Code Section 14963.

Reference: Education Code Sections 17280, 17283, 17405, 81130, 81050 and 81529. Health and Safety Code Section 13143.

ARTICLE 3—APPROVAL OF DRAWINGS AND SPECIFICATIONS

4-415. Application for approval of drawings and specifications. Before awarding a contract or commencing with construction of a school building project, the school board shall submit an application to the Division of the State Architect and obtain written approval of the plans and specifications as required by and in accordance with Sections 4-315 through 4-319.

Authority: Education Code Sections 17310 and 81142. Government Code Section 14963.

Reference: Education Code Sections 17280 and 81130. Government Code Section 14963.

ARTICLE 4—FEES

4-420. Fees.

(a) The filing fee for projects shall be:

- three-tenths of one percent (0.3%) of the first $1,000,000 of the estimated project cost; plus
- two-tenths of one percent (0.2%) of the project cost greater than $1,000,000 up to and including $5,000,000; plus
- one-tenth of one percent (0.1%) of the project cost greater than $5,000,000 up to and including $25,000,000; plus
- five one-hundredths of one percent (0.05%) of the project cost greater than $25,000,000 up to and including $100,000,000; plus
- one one-hundredth of one percent (0.01%) of the project cost above $100,000,000;
- except that the minimum fee in any case shall be $300.00.

Examples of filing fee to accompany application:

(1) Estimated project cost = $40,000		
0.3% x $40,000	=	$ 120.00
Filing fee is the minimum charge	=	$ 300.00
(2) Estimated project cost = $925,000		
0.3% x $925,000	=	$2,775.00
Filing fee	=	$2,775.00
(3) Estimated project cost = $3,840,000		
0.3% x $1,000,000	=	$3,000.00
0.2% x $2,840,000	=	$5,680.00
Filing fee	=	$8,680.00
(4) Estimated project cost = $7,260,000		
0.3% x $1,000,000	=	$3,000.00
0.2% x $4,000,000	=	$8,000.00
0.1% x $2,260,000	=	$2,260.00
Filing fee	=	$13,260.00
(5) Estimated project cost = $26,500,000		
0.3% x $1,000,000	=	$3,000.00
0.2% x $4,000,000	=	$8,000.00
0.1% x $20,000,000	=	$20,000.00
0.05% x $1,500,000	=	$750.00
Filing fee	=	$31,750.00

(b) The fee schedule in effect at the time of filing shall apply throughout the duration of such application.

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(c) When the actual project cost exceeds the estimated cost, a further fee for such projects shall become due and shall be equal to the difference between the filing fee paid and the amount computed under the schedule above using the actual cost of the project. The actual project cost shall be determined as directed in Section 4-421 and billed according to Section 4-423.

(d) If the applicant requests the cancellation or withdrawal of the application or incremental submittal(s) of an application and return of the paid filing fee, this shall be granted unless the review has begun. If review of plans and specifications has commenced, 30 percent of the Fire and Life Safety filing fee will be refunded or applied to a new application for the same project. No refund will be allowed for projects upon which only the minimum fee has been paid. No refund will be allowed after a contract for construction has been let for any portion of the work except as provided by Section 4-317(f).

(e) Beginning in July 2015, and within every four years thereafter, the State Architect shall review the fee schedule and make a written determination whether the fees are sufficient to fund the programs.

(i) If the State Architect determines that a lesser amount is sufficient to maintain the programs, the fees may be reduced for a period up to four years.

(ii) If the State Architect determines that a greater amount is necessary to maintain the programs utilizing these funds, the State Architect shall propose a fee schedule increase.

Authority: Education Code Sections 17300 and 17301.

Reference: Government Code Section 14963. Health and Safety Code Section 13138.

4-421. Project cost. For purposes of determining the fees, project costs shall be determined as defined by and in accordance with Section 4-322.

Authority: Education Code Sections 17300 and 17301.

Reference: Government Code Section 14963. Education Code Sections 17300(a) and 81133(c)(6). Health and Safety Code Section 13143.

4-422. Revision of plans and specifications.

(a) Revisions are changes to plans or specifications made after DSA approval. Revisions shall be submitted to and approved by DSA.

(b) An hourly fee may be charged to the applicant for the review of revisions to approved plans and specifications.

Authority: Education Code Sections 17300 and 17301.

Reference: Government Code Section 14963. Health and Safety Code Section 13138.

4-423. Billing for further fees. The school district shall be billed for further fees upon completion of the project or portion thereof if fee is due. Claims for refunds of $5.00 or less due to errors in cost reporting or fee computation shall be made within six months from date of billing.

Authority: Education Code Sections 17300 and 17301.

Reference: Government Code Section 14963. Health and Safety Code Section 13138.

4-424. Fees for DSA review prior to application filing. An hourly fee may be charged to the school district for the review of draft drawings and specifications or consultations with DSA during project development, as requested by the school district.

Authority: Education Code Sections 17300 and 17301.

Reference: Government Code Section 14963. Health and Safety Code Section 13138.

ARTICLE 5—CERTIFICATION OF CONSTRUCTION

4-430. General. Certification of construction shall be in accordance Chapter 4, Group 1, Article 5 as follows:

(a) Time of beginning construction and partial construction: Section 4-330.

(b) Notice to DSA at start of construction: Section 4-331.

(c) Notice of suspension of construction: Section 4-332.

(d) Observation and inspection of construction: Section 4-333.

(e) Project Inspector certification: Section 4-360.

(f) Verified Reports: Section 4-336.

(g) Semimonthly reports: Section 4-337.

(h) Addenda and construction changes: Section 4-338.

(i) Final certification of construction: Section 4-339.

Authority: Government Code Section 14963.

Reference: Government Code Section 14963. Health and Safety Code Section 13143.

4-431. Supervision by the Division of the State Architect. During construction, reconstruction, rehabilitation, repair, alteration of, or addition to any school building, DSA shall make such visits as in its judgment are necessary for proper enforcement of these regulations and the protection of the safety of the pupils, the teachers and the public. If at any time as the work progresses, prior to issuance of the certification of compliance, it is found that modifications or changes are necessary to secure safety or to comply with code requirements, DSA shall notify the responsible architect or responsible structural engineer and the school district of the necessity for such modifications or changes.

Authority: Government Code Section 14963.

Reference: Government Code Section 14963. Health and Safety Code Section 13143.

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4-432. Stop work order.

(a) Whenever DSA finds any work regulated by this code being performed in a manner contrary to the provisions of this code, including the applicable standards, DSA is authorized to issue a stop work order.

(b) The stop work order shall be in writing and shall be given to the owner of the property involved, or the owner's agent, or the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

(c) Any person who continues working in the cited work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

Authority: Government Code Section 14963.

Reference: Government Code Section 14963.

ARTICLE 6—DUTIES

4-435. General. Duties of the various individuals involved in the design and construction shall be in accordance with Chapter 4 Group 1 Article 6 Sections 4-341 through 4-344.

Authority: Government Code Section 14963.

Reference: Government Code Section 14963. Health and Safety Code Section 13143.

HISTORY:

1. (DSASS 01/13) Supplement to add a new Group 2 "Safety of Construction of Public Schools: Fire and Life Safety," Article 1, Section 4-401, 4-402, 4-403, 4-404, 4-405, & 4-406; Article 2, Section 4-410 & 4-411; Article 3, Section 4-415; Article 4, Section 4-420, 4-421, 4-422, 4-423, & 4-424; Article 5, Section 4-430, 4-431, & 4-432; Article 6, Section 4-435. Approved by the California Building Standards Commission on October 21, 2014, filed with Secretary of State on October 27, 2014, effective November 27, 2014

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GROUP
3

SUSTAINABLE CONSTRUCTION OF PUBLIC SCHOOLS AND COMMUNITY COLLEGES: OUTDOOR WATER USE

ARTICLE 1—GENERAL PROVISIONS

4-501. Purpose. These regulations implement sections of the Education Code to ensure that elementary, secondary, or community college buildings and facilities constructed or altered pursuant to these regulations are in compliance with the California Code of Regulations (C.C.R.), Title 24 related to the design aspects of sustainable building elements, components and systems specifically irrigation systems for landscape areas.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280, 81130 and 81142.

4-502. Scope. California Code of Regulations, Title 24, Part 11; known as the "CALGreen Code", designates building regulations that are applicable to the Green Building Standards portions of the design, construction, or addition to any school building as defined in Sections 17283 and 81131 of the Education Code.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280 and 81130.

ARTICLE 2—DEFINITIONS

4-506. General. The definition(s) in Sections 4-507 shall have the meaning stated therein throughout the regulations contained in Part 1, Chapter 4, Group 3, et seq, Title 24, C.C.R.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17283, 81130, 81131 and 81529.

4-507. Definitions.

SELF-CERTIFICATION shall mean a registered architect, landscape architect or civil engineer in general responsible charge prepares a set of construction documents that comply with the California Code of Regulations (C.C.R.), Title 24 or other referenced regulations, and provides their signature ensuring that the construction documents and related reports meet or exceed the code requirements.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280, 17283, 17405, 81130, 81131 and 81529.

ARTICLE 3—APPLICATION FOR VERIFICATION OF SELF-CERTIFICATION OF DRAWINGS AND SPECIFICATIONS

4-508. Plans, specifications and other data. When an application for review of the self-certification of compliance with the Outdoor Water Use regulations is filed, it shall be accompanied by a site landscape area location plan and set of plans and specifications.

Plans, specifications or self-certification forms that, when submitted, are determined by DSA to be incomplete or incorrect, shall be returned to the architect, landscape architect, or civil engineer in general responsible charge with a request for additional information or revisions.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280 and 81130.

4-509. Application for self-certified drawings and specifications. The irrigation plans and specifications shall meet the California Code of Regulations, Title 24, Part 11 (CALGreen Code), Section 5.304 requirements for outdoor water use adopted by DSA-SS. The architect, landscape architect, or civil engineer in general responsible charge shall self-certify that the project's landscape planting and irrigation design is compliant with the current version of the Model Water Efficient Landscape Ordinance (MWELO) per Section 5.304 requirements for outdoor water use adopted by DSA-SS of the CALGreen Code and built in accordance to these regulations. All related drawings and specifications must display their registration seal and signature.

Before commencing with construction of a landscape irrigation project and any associated buildings, the architect, landscape architect or civil engineer in general responsible charge shall submit to DSA for approval the documentation prescribed by the DSA certifying that the landscape irrigation design complies with the Outdoor Water Use regulations, and that periodic site observations during construction will occur to ensure the landscape planting and irrigation work is completed in accordance with the requirements of the CALGreen Section 5.304 requirements for outdoor water use adopted by DSA-SS.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280 and 81130.

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HISTORY NOTE APPENDIX FOR CHAPTER 4

Administrative Regulations for the Division of State Architect, Structural Safety
California Code of Regulations, Title 24, Part 1

HISTORY:

The history notes for prior changes remain within the text of this code.

1. (DSA-SS 1/02) Chapter 4, Section 4-309. Reconstruction or Alternation Projects in Excess of $25,000 in Cost. Approved by the Building Standards Commission on May 14, 2003 and effective 180 days after publication.
2. (DSA-SS EF 02/03) Emergency adoption/approval of technical design and construction building standards for the adaptive reuse of existing building public school use: C.C.R., Title 24, Part 1. Approved by the California Building Standards Commission on May 14, 2003 and filed with Secretary of State on May 15, 2003. Effective May 15, 2003.
3. (DSA-SS EF 04/03) Emergency re-adoption/re-approval of technical design and construction building standards for the adaptive reuse of existing building public school use; C.C.R., Title 24, Part 1. Approved by the California Building Standards Commission on July 16, 2003 and filed with Secretary of State on September 10, 2003. Effective September 10, 2003.
4. (DSA-SS EF 04/03) Emergency re-adoption/re-approval of technical design and construction building standards for the adaptive reuse of existing building public school use; C.C.R., Title 24, Part 1. Approved as permanent by the California Building Standards Commission on January 7, 2004 and filed with the Secretary of State on January 8, 2004. Effective January 8, 2004.
5. (DSA-SS 03/06) Editorial amendments to administrative standards for public elementary and secondary schools and community colleges that correlate with DSA-SS adoption of the 2006 *California Building Code* into Part 2 of Title 24. Effective January 1, 2008.
6. (DSA-SS EF 01/09) Modification to project renewal timeframes. Approved by the commission January 22, 2009 and filed with the Secretary of State on January 26, 2009 with an effective date of January 26, 2009.
7. Erratum to correct editorial errors in preface and Chapter 4.
8. (DSA-SS EF 02/10) Emergency rulemaking to amend Articles 2 through 6, Part 1 Title 24, Chapter 4, effective on August 17, 2010, approved as permanent on January 19, 2011.
9. (DSA-SS 01/12) Amend Chapter 4, Article 1, Section 4-302, 4-305, 4-306, 4-307, 4-309, 4-310, Article 2, Section 4-314, Article 3, Section 4-315, 4-316, 4-317, Article 4, Section 4-320, 4-323, 4-324, 4-325, 4-326, 4-327, Article 5, Section 4-330, 4-331, 4-332, 4-333, 4-335, 4-336, 4-337, 4-339, Article 6, Section 4-341, 4-342, 4-343, Article 7, Section 4-345, Article 8, Section 4-350, 4-352, Article 9, Section 4-355. Approved by the California Building Standards Commission on January 23, 2013, filed with the Secretary of State on January 28, 2013, and effective 30 days after filing with Secretary of State.
10. Rulemaking file number DSA-SS EF 03/15: Emergency rulemaking added Group 3, Articles 1 through 4, to Part 1 Title 24, Chapter 4. It was originally approved by the Commission July 21, 2015 and effective upon filing with Secretary of State on July 23, 2015. An emergency supplement was not issued for the initial emergency building standards but was provided in Building Standards Commission Information Bulletin 15-03, dated July 24, 2015, which is now superseded. The rulemaking was made permanent pursuant to Government Code Sections 11346.2 to 11347.3. The supplement provides emergency building standards that were adopted by the Building Standards Commission on January 20, 2016, and filed with Secretary of State on January 26, 2016.
11. (DSA-SS 01/15) Amend Chapter 4, Article 1: Section 4-205, 4-207, 4-208, 4-210, 4-211, 4-219, 4-220, 4-221; Article 2: Section 4-236; Group 1, Article 1: Section 4-302, 4-305, 4-306, 4-307, 4-309, 4-310, Article 2: Section 4-313, 4-314, Article 3: Section 4-315, 4-316, 4-317, 4-318, 4-319; Article 4: Section 4-320, 4-321, 4-323, 4-324, 4-325; Article 5: Section 4-333, 4-333.1, 4-334, 4-335, 4-335.1, 4-336, 4-338; Article 6: Section 4-341, 4-342, 4-343, 4-345; Article 8, Section 4-350; Group 2, Article 1: Section 4-401, 4-402; Article 2: Section 4-410, 4-411; Article 5: Section 4-430; Article 6: Section 4-435, Approved by the California Building Standards Commission on December 16, 2015, filed with the Secretary of State on December 21, 2015, and effective 30 days after filing with Secretary of State.
12. Errata to correct editorial errors within Chapter 4 in this code. Effective January 1, 2017.
13. 2016 Intervening Cycle Supplement (DSA-SS/CC 01/16) adopted by the California Building Standards Commission on June 20, 2017, filed with the Secretary of State on August 17, 2017, effective 30 days after filing.
14. 2018 Triennial Code Adoption Cycle (DSA-SS/CC 01/18) Amend Chapter 4, Article 2, Sections 4-228, 4-238 and 4-239; Group 1, Article 1, Sections 4-30, 24-306, 4-309; Article 2, Section 4-314; Article 3, Section 4-315; Article 4, Sections 4-321, 4-324 and 4-328; Article 5, Section 4-333.1; Article 6, Section 4-341 and Article 8, Section 4-352. Approved by the California Building Standards Commission on December 4, 2018, filed with the Secretary of State on December 7, 2018, and effective 30 days after filing with the Secretary of State pursuant to *California Health and Safety Code* Section 18938.
15. Erratum to correct editorial errors in Chapter 4, Section 4-333 and to correct History Note format: effective January 1, 2020.
16. 2019 Intervening Cycle Update (DSA-SS/CC 01/19) Adoption of amendments to the 2019 California Administrative Code (CAC). Approved by the California Building Standards Commission on August 13, 2020, published on January 1, 2021, effective 30 days after filing with Secretary of State.
17. (DSA-SS/CC 04/21) Amend Chapter 4, Group 1, Article 1, Section 4-309, Article 3, Section 4-316, Article 5, Sections 4-330, 4-335, 4-335.1, Group 3, Article 3, Sections 4-508, 4-509. Repeal Chapter 4, Group 3, Article 4. Approved by the California

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Building Standards Commission on January 18, 2022, filed with the Secretary of State on February 2, 2022, and effective 30 days after filing with Secretary of State.

18. (DSA-SS/CC 02/22) Amend Chapter 4, Article 1, Section 4-310, Article 2, Section 4-314, Article 3, Section 4-317, Article 4, Section 4-326, Article 5, Sections 4-330, 4-333, 4-333.1, 4-335, 4-336. Repeal Chapter 4, Article 9, Section 4-355. Approved by the California Building Standards Commission on June 27, 2023, filed with the Secretary of State on June 30, 2023, and effective 30 days after filing with Secretary of State.

19. (DSA-SS 04/24) Amend Chapter 4, Article 1: Section 4-205; Group 1, Article 1: Sections 4-305, 4-309, 4-310; Article 2: Section 4-314; Article 3: Sections 4-317, 4-318, 4-319; Article 5: Sections 4-333, 4-335, 4-335.1; Article 6: Section 4-342; Article 8: Section 352; Group 2, Article 1: Sections 4-402, 4-405; Article 2: Section 4-411; Article 4: Section 4-420; Article 5: Section 4-430. Add Articles 9, 10 and 11 to Chapter 4, Group 1. Repeal Chapter 4, Group 1, Article 5: Section 4-333.1; Article 8: Sections 4-350, 4-351. Approved by the California Building Standards Commission on February 26, 2025, filed with the Secretary of State on March 7, 2025, and effective 30 days after filing with Secretary of State.

CHAPTER

5 ACCESS TO PUBLIC BUILDINGS BY PERSONS WITH DISABILITIES

ARTICLE 1—COMPLIANCE PROCEDURES

5-101. Purpose. These regulations implement Sections 4450 et seq. of the Government Code to ensure that where state funds are utilized for the construction or alteration of any public building or facility or where the funds of counties, municipalities or other political subdivisions are utilized for the construction or alteration of elementary, secondary or community college buildings and facilities that the plans and specifications for such buildings and facilities are reviewed by the Division of the State Architect (DSA) and certified to be in compliance with California law requiring access for persons with disabilities prior to a contract being awarded.

Exception: Buildings used as dwellings or personal residences for teachers or district employees or their family, or buildings used by a community college district solely for student housing, are exempt from the requirement for review by DSA. Such buildings or structures shall not be used for school purposes.

Authority: Government Code Sections 4450, 4453 and 4454.

Reference: Government Code Sections 4454 and 4454.5.

HISTORY:

1. New Group 2 (§§81 through 86) filed 3-5-71 as an emergency; effective on filing. Certificate of Compliance included (Register 71, No. 10). For history of former Group 2 see Register 66, No. 38.
2. Amendment filed 11-24-78; designated effective 1-1-79 (Register 78, No. 47).

5-102. General. For the purpose of assuring compliance with minimum requirements for accessibility by persons with disabilities, the governmental agency controlling the appropriation from which the project is funded shall submit an application, together with plans and full, complete and accurate specifications and filing fee, to the State Architect. The DSA will process the documents. Written approval shall be obtained prior to award of a construction contract.

Authority: Government Code Section 4453.

Reference: Government Code Section 4454.

HISTORY:

1. Amendment filed 11-24-78; designated effective 1-1-79 (Register 78, No. 47).

5-103. Application. For each project to be reviewed and certified, a separate application (Form DSA-1) shall be submitted to the DSA. The application shall be accompanied by a complete set of project plans and specifications and an appropriate filing fee (see Section 5-104).

The above documents shall be submitted to the DSA regional offices serving the project location unless specific approval for submittal elsewhere is given by the State Architect.

The application shall be considered received when all the required documents and fees have been received by the office and the application number assigned.

The documents submitted for review and used for certification shall be retained by the DSA.

Authority: Government Code Section 4454.

Reference: Government Code Section 4454.

HISTORY:

1. Amendment filed 11-24-78; designated effective 1-1-79 (Register 78, No. 47). For prior history, see Register 76, No. 25.
2. Renumbering and amendment of former Section 83 to Section 83.1 filed 8-30-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 35).
3. Erratum to reflect locations of offices.

5-104. Fees.

(a) The filing fee for projects under applications received on or after March 1, 2013, shall be *five-tenths* of one percent (*0.5%*) of the first $500,000.00 of the estimated project cost plus *twenty-five one-hundredths* of one percent (*0.25%*) of the project cost greater than $500,000.00 up to and including $2,000,000.00 plus *one-tenth* of one percent (*0.1%*) of the excess of the estimated project cost over $2,000,000.00, except that the minimum fee in any case shall be $500.00.

Example of filing fee to accompany application:

Estimated project cost = $250,000.00		
.005 × $250,000.00	=	*$1,250.00*
Estimated project cost = $1,500,000.00		
.005 × $500,000.00	=	*$2,500.00*
.0025 × $1,000,000.00	=	*2,500.00*
		$5,000.00
Estimated project cost = $5,000,000.00		
.005 × $500,000.00	=	*$2,500.00*
.0025 × $1,500,000.00	=	*3,750.00*
.001 × $3,000,000.00	=	*3,000.00*
		$9,250.00

(b) The fee schedule in effect at the time of filing shall apply throughout the duration of such application.

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(c) When the actual project cost exceeds the estimated cost a further fee for such projects shall become due and shall be equal to the difference between the filing fee paid and the amount computed under the schedule above using the actual cost of the project. The actual project cost shall be determined as directed in Section 5-105 and billed according to Section 5-107.

(d) If the applicant requests the cancellation or withdrawal of the application and return of the plans and specifications and filing fee, this shall be granted unless the review has begun. No portion of the filing fee can be returned after the review has started.

(e) Beginning in July 2009, with a review in 2011 and within every four years thereafter, the State Architect shall review the fee schedule and make a written determination whether the fees are sufficient to fund the programs.

(i) If the State Architect determines that a lesser amount is sufficient to maintain the programs, the fees may be reduced for a period up to four years.

(ii) If the State Architect determines that a greater amount is necessary to maintain the programs utilizing these funds, the State Architect shall propose a fee schedule increase.

Authority: Government Code Section 4453.

Reference: Government Code Section 4454.

HISTORY:

1. New section filed 8-30-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 35).
2. (OSA/AC-A 1/89) Editorial transfer from CCR, Title 21 to Title 24 11-1-89.
3. (OSA/AC-A 2/89) Amend CCR, Title 24, Part 1, Sec. 5-104 (a) (b), effective 1-1-90. Approved by Building Standards Commission 10-30-89.
4. (OSA/AC EF 1/92) Emergency order by the Office of the State Architect/Access Compliance to amend Section 5-104 (a), Part 1, Title 24, California Code of Regulations. Filed as an emergency order with the secretary of state February 25, 1992; effective March 1, 1992. Approved as an emergency by the California Building Standards Commission on February 24, 1992.
5. (OSA/AC EF 1/92) Emergency order by the Office of the State Architect/Access Compliance to amend Section 5-104 (a), Part 1, Title 24, California Code of Regulations; approved by the California Building Standards Commission on February 24, 1992; filed as an emergency order with the secretary of state February 25, 1992, and effective March 1, 1992, has lapsed. No action was taken by the OSA/AC to make these regulations permanent; therefore, the initial regulations are back in effect as of June 29, 1992.

5-105. Project cost. For purposes of determining the fees, both the estimated and actual project cost shall be the cost for the total outlay contemplated for all work included in the certified plans and specifications. The term “project” shall be defined as all buildings and other structures, together with the development of the site, but in the event the plans and specifications submitted with the application do not provide for the construction of, addition or alteration to a building or structure, then it shall be for the site development proposed in the application.

The actual project cost shall include all items that are normally considered to be contractors operation costs. Addenda or change order items that increase the contract amount shall be included in the final actual project cost computation.

All fees and/or reimbursable charges paid the construction managers shall be included in the actual project cost. When the contract for the work includes items not otherwise subject to the approval of the office and not included in the approved plans and specifications the actual cost shall include this work unless such costs are segregated by separate bid items or by separately priced items of change orders, or by a certified copy of the subcontractor's bid. Such segregation shall not be made by contract price breakdown or estimates.

Authority: Government Code Section 4454.

Reference: Government Code Section 4454.

HISTORY:

1. New section filed 8-30-84; effective upon filing pursuant to Government Code Section 11346.2 (d) (Register 84, No. 35).

5-106. Revision of plans and specifications. Revisions are changes to plans or specifications made after DSA approval. Revisions shall be submitted to and approved by DSA.

An hourly fee may be charged to the applicant for the review of revisions to approved plans and specifications.

If the original plans are abandoned and the plans and specifications submitted in lieu thereof are in fact for a new project rather than an identical project, or where a modified set of plans is for an essentially different concept, it is necessary that a new application be filed and a fee paid. This is regardless of the fact that the project may have the same name, be of the same general size and be situated at the same location as the project for which the original application was made.

Authority: Government Code Section 4454.

Reference: Government Code Section 4454.

HISTORY:

1. New section filed 8-30-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 35).

5-107. Billing for further fees. For public school projects the DSA shall determine whether or not further fees are due and shall bill the district for such further fees.

For projects other than public schools, the applicant or owner shall submit to the office a report verifying the actual project cost within 90 days after the completion of the project. This actual project cost shall be the basis for the further fee computation. The accuracy and timely submission of this actual project cost report shall be the responsibility of the owner or his designated agent. The owner shall be billed for further fees upon completion of the project or portion thereof if fee is due.

Authority: Government Code Section 4454.

Reference: Government Code Section 4454.

HISTORY:

1. New section filed 8-30-84; effective upon filing pursuant to Government Code Section 11346.2 (d) (Register 84, No. 35).

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5-108. Refunds. Claims for refunds of $5.00 or less due to errors in cost reporting or fee computation shall be made within one year from the date of payment.

Authority: Government Code Section 4454.

Reference: Government Code Section 4454.

HISTORY:

1. New section filed 8-30-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 35).

5-109. Review of plans and specifications. The DSA will review the submitted documents to ensure that the requirements cited in Article 1 are fully met.

Authority: Government Code Section 4453.

Reference: Government Code Section 4454.

HISTORY:

1. Amendment filed 11-24-78; designated effective 1-1-79 (Register 78, No. 47).

5-110. Written approval.

(a) **Approval obtained.** Upon completion of review, DSA will return to the awarding authority a written approval, if the documents comply with the requirements. This approval of the application constitutes the "written approval" required by Section 4454 of the Government Code. No changes or revisions shall be made following written approval that affect access compliance items unless such changes or revisions are submitted to the DSA for approval.

(b) **Approval denied.** If the documents fail to meet the requirements of these regulations, DSA will return to the awarding authority the plans with corrections noted thereon together with instructions for resubmittal of the plans and specifications. The corrected plans are the property of the Division of the State Architect and shall be returned within six months or the application will be void. No valid construction contract may be awarded before written approval is obtained.

(c) **Unauthorized deviations.** In the event that there is an unauthorized deviation from the requirements of these regulations with respect to the standards specified, the same shall be rectified by full compliance therewith within ninety (90) days after discovery of such deviation.

(d) **Notification.** Where the State Architect is the enforcement authority and any project is proposed to be approved and such approval action would deny accessibility either required by Sections 4450 and 4458, inclusive, of the Government Code to persons with disabilities, or by reason of an equivalent facilitation exception granted pursuant to Section 4451 of the Government Code, the State Architect shall notify affected persons with disabilities or organizations and others who have made written requests to be informed as to such proposals under consideration.

Authority: Government Code Sections 4450 and 4460 and Health and Safety Code Section 18949.

Reference: Government Code Section 4460.

HISTORY:

1. Amendment filed 11-24-78; designated effective 1-1-79 (Register 78, No. 47).
2. New subsection (d) filed 3-6-81 as an emergency; effective upon filing (Register 81, No. 10). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 7-4-81.
3. Order of Repeal of 3-6-81 emergency order filed 3-13-81 by OAL pursuant to Government Code Section 11349.6 (Register 81, No. 11).
4. New subsection (d) filed 7-28-82; effective thirtieth day (Register 82, No. 31).
5. Amendment of subsection (a) filed 7-17-85; effective thirtieth day thereafter (Register 85, No. 29).

5-111. General requirements. General requirements and building standards are located in Title 24, Part 2.

ARTICLE 2—DIVISION OF THE STATE ARCHITECT—ACCESS COMPLIANCE PROCESSING PRODUCT APPROVALS JANUARY 1, 2001

Detectable warning products and directional surfaces installed after January 1, 2001 shall be evaluated by an independent entity, selected by the Department of General Services, Division of the State Architect, Access Compliance, for all occupancies, including transportation and other outdoor environments, except that when products and surfaces are for use in residential housing, evaluation shall be in consultation with the Department of Housing and Community Development. See Government Code Section 4460.

5-201. Processing independent entity evaluation approvals (IEEA). Independent Entity Evaluation Approvals shall be registered in the Division of the State Architect (DSA) headquarters office.

To maintain a central file for all IEEA and to operate within the current DSA program, certain administration and all accounting shall be performed at the DSA headquarters office under the direction of the Principal Architect.

5-202. IEEA application procedure.

1. Upon receipt of an IEEA application, send the application fee and a copy of the application to the DSA headquarters office, attention: Access Compliance.
2. A paper file will be created for each IEEA, which will initially include a copy of the application and the application fee. Headquarters personnel will then file the product, manufacturer and registration information, creating an IEEA number.
3. The application fee will be given to the headquarters' cashier for deposit.

5-203. IEEA acceptance procedure.

1. Prior to issuing IEEA acceptance, it is required that all fees be paid. If fees are due, please contact the manufacturer for payment and forward the payment to the DSA headquarters office, along with the request for the additional payment.

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2. The fee, if any, will be given to the headquarters' cashier for filing and deposit.
3. The acceptance letter will be retained at DSA headquarters, Access Compliance. A copy of the status approval letter will be returned to the applicant.
4. Headquarters' personnel will register, prepare and distribute all necessary copies of the acceptance letter. The original file shall be maintained at headquarters.

5-204. Accounting of IEEA. Income for IEEA will be earned in the month in which they are banked. This money will be applied to Disability Access Account for deposit.

5-205. Contacts for questions.

1. IEEA Contact—DSA headquarters, attention: Access Compliance, IEEA Program.
2. Headquarters Administration Contact—DSA headquarters, attention: Access Compliance, IEEA Program.
3. Headquarters Accounting Contact—DSA headquarters, Accounting.

Authority: Government Code Sections 4450, 4460 and Health and Safety Code Section 18949.1.
Reference: Government Code Section 4460.

ARTICLE 3—ACCEPTANCE OF DETECTABLE WARNING AND DIRECTIONAL SURFACE PRODUCTS FOR MANUFACTURERS AND DESIGN PROFESSIONALS JANUARY 1, 2001

Detectable warning products and directional surfaces installed after January 1, 2001 shall be evaluated by an independent entity, selected by the Department of General Services, Division of the State Architect, Access Compliance, for all occupancies, including transportation and other outdoor environments, except that when products and surfaces are for use in residential housing, evaluation shall be in consultation with the Department of Housing and Community Development. See Government Code Section 4460.

5-301. Division of the State Architect, Access Compliance, acceptance of product. The procedure for the DSA-AC acceptance of manufactured products is detailed in this article.

All products require prior evaluation by a recognized evaluation agency that has a program specifically intended for such purposes. DSA-AC shall review the evaluation report for compliance with related and appropriate national standards and Title 24 requirements.

5-301.1. Product submittal. Products must meet the requirements of Section 5-301.

5-301.2. Division of the State Architect, Access Compliance, products exempt from evaluation by a recognized agency. No products can be approved for use that do not require evaluation by a recognized evaluation agency.

5-301.3. Products evaluated by recognized state and city agencies. No products can be approved by any state and city agencies for use that do not require evaluation by a recognized evaluation agency.

5-301.4. Products evaluated by a recognized evaluation agency. Products must have, as a minimum, an approved report published by a nationally recognized evaluation agency. Without an evaluation report, the applicant will be required to obtain such a report or will be denied acceptance on DSA-AC projects. The report and its evaluation criteria may be reviewed for compliance with national standards.

5-301.5. Development of DSA acceptance criteria. Development of new DSA-AC acceptance criteria shall be based on acceptance criteria from a recognized evaluation agency.

5-301.6. Marking. Each detectable warning and directional surface product shall be provided with:

1. Label indicating the DSA label number,
2. Manufacturer's product number, and
3. Product approval expiration date.

Authority: Government Code Sections 4450 and 4460 and Health and Safety Code Section 18949.1.
Reference: Government Code Section 4460.

ARTICLE 4—APPLICATION FOR INDEPENDENT ENTITY EVALUATION APPROVAL (IEEA)

5-401. Application for IEEA. The following form must be filed in duplicate: RESERVED

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HISTORY NOTE APPENDIX FOR CHAPTER 5

Administrative Regulations for the Division of State Architect, Access Compliance
California Code of Regulations, Title 24, Part 1

HISTORY:

The history notes for prior changes remain within the text of this code.

1. (DSA-AC 2/01) Adoption of detectable warning products and standards, Chapter 5, Articles 2, 3 and 4. Approved by the California Building Standards Commission on November 28, 2001. Filed with the Secretary of State on March 1, 2002, effective April 2, 2002.
2. (DSA-AC 05/04) Changes without regulatory effect to addresses in Section 5-103 and an acronym in Section 5-202. Filed with Secretary of State on June 28, 2006 and effective 30th day after filing with Secretary of State.
3. (DSA-AC 03/06) Repeal of duplicate provisions and editorial and formatting amendments to administrative standards for implementing facility access in conformance with California Law and federally recognized accessibility standards. Effective January 1, 2008.
4. (DSA-AC 04/09) Revisions to Section 5-104, Fees, by State and Consumer Services Agency on behalf of the Division of State Architect-Access Compliance. Effective February 13, 2010.
5. (DSA-AC 02/12) Amend Chapter 5, Section 5-104 and 5-106. Approved by the California Building Standards Commission on January 23, 2013, filed with the Secretary of State on January 28, 2013, and effective 30 days after filing with Secretary of State.
6. Erratum to correct History Note format in Chapter 5: effective January 1, 2020.
7. (DSA-SS/CC 04/21) Amend Chapter 5, Article 1, Section 5-103. Approved by the California Building Standards Commission on January 18, 2022, filed with the Secretary of State on February 2, 2022, and effective 30 days after filing with Secretary of State.
8. (DSA-SS 04/24) Amend Chapter 5, Article 1: Section 5-101. Approved by the California Building Standards Commission on February 26, 2025, filed with the Secretary of State on March 7, 2025, and effective 30 days after filing with Secretary of State.

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CHAPTER

6

SEISMIC EVALUATION PROCEDURES FOR HOSPITAL BUILDINGS

ADMINISTRATIVE REGULATIONS FOR THE OFFICE OF STATEWIDE HOSPITAL PLANNING AND DEVELOPMENT (OSHPD)

ARTICLE 1—DEFINITIONS AND REQUIREMENTS

1.0 Scope. The regulations in this article shall apply to the administrative procedures necessary to implement the seismic retrofit requirements of the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983.

1.1 Application. The regulations shall apply to all general acute care hospital facilities as defined in Section 1.2 of these regulations.

1.2 Definitions. Unless otherwise stated, the words and phrases defined in this section shall have the meaning stated therein throughout Chapter 6, Part 1, Title 24.

ALTERNATIVE ANALYSIS means a complete seismic analysis using methodology approved in advance by the Office and meeting the criteria of Article 2, Section 2.7 of these regulations.

BULK MEDICAL GAS SYSTEM means an assembly of fixed equipment such as storage containers, pressure regulators, pressure relief devices, vaporizers, manifolds and interconnecting piping that has a capacity of more than 20,000 cubic feet (NTP) of cryogenic medical gas.

COMMUNICATIONS SYSTEM means the assembly of equipment such as telephone switchgear, computers, batteries, radios, microwave communications systems, towers and antennas that provide essential internal and external communication links.

COMPLETE STRUCTURAL DAMAGE means a significant portion of the structural elements have exceeded their ultimate capacities for some critical structural elements or connections have failed, resulting in dangerous permanent lateral displacement, partial collapse or collapse of the entire building. A Complete Structural Damage would be a loss of 100% of the building's replacement cost.

CONFORMING BUILDING means a building originally constructed in compliance with the requirements of the 1973 or subsequent edition of the *California Building Code or classified as SPC-4D, as defined in this section.*

CRITICAL ACCESS HOSPITAL means a hospital designated by the State Department of Public Health as a critical access hospital, and certified as such by the Secretary of the United States Department of Health and Human Services under the federal Medicare Rural Hospital Flexibility Program.

CRITICAL CARE AREA means those special care units, intensive care units, coronary care units, angiography laboratories, cardiac catheterization laboratories, delivery rooms, emergency rooms, operating rooms, postoperative recovery rooms and similar areas in which patients are intended to be subjected to invasive procedures and connected to line-operated, electromedical devices.

DAMAGE CONTROL STRUCTURAL PERFORMANCE CATEGORY is a performance category that has been demonstrated either by analysis or retrofit to satisfy the requirements of Section 1.4.5.1.3 and the *California Existing Building Code* (CEBC) Section 304A.3.4.5, 501A.3.1, or 501A.3.2. Buildings satisfying this structural performance standard shall be deemed to satisfy the requirements of the Structural Performance Category SPC-4D.

DEPARTMENT means the Department of Health Care Access and Information (HCAI).

DISTRESSED HOSPITAL LOAN PROGRAM RECIPIENT is a hospital that received a loan pursuant to Chapter 4 (commencing with Section 129380) of Part 6 of Division 107 of the Health and Safety Code. This may also include a future program recipient, should the Legislature appropriate additional state funding to the program and extend the date identified in Section 129387.

EMERGENCY POWER SUPPLY (EPS) means the source of electric power including all related electrical and mechanical components of the proper size or capacity, or both, required for the generation of the required electrical power at the EPS output terminals. For rotary energy converters, components of an EPS include the prime mover, cooling system, generator, excitation system, starting system, control system, fuel system and lube system (if required).

ESSENTIAL ELECTRICAL SYSTEMS means a system as defined in the *California Electrical Code,* Article 517 "Health Care Facilities," Chapter 5, Part 3 of Title 24.

FIRE ALARM SYSTEM means a system or portion of a combination system consisting of components and circuits arranged to monitor and annunciate the status of fire alarm or supervisory signal initiating devices and to initiate appropriate response to those signals.

FUNCTIONAL CONTIGUOUS GROUPING means a group of hospital buildings, each of which contains the primary source of one or more basic service that are operationally interconnected in a manner acceptable to the Department of Health Services.

GENERAL ACUTE CARE HOSPITAL as used in Chapter 6, Part 1 means a hospital building as defined in Section 129725 of the Health and Safety Code and that is also licensed pursuant to subdivision (a) of Section 1250 of the Health and Safety Code, but does not include these buildings if the beds licensed pursuant to subdivision (a) of Section 1250 of the Health and Safety Code, as of January 1, 1995, comprise 10 percent or less of the total licensed beds of the total physical plant, and does not include facilities owned or operated, or both, by the Department of Corrections. It also precludes hospital buildings that are licensed under the above-mentioned code sections but provide skilled nursing or acute psychiatric services only.

HEALTH CARE DISTRICT HOSPITAL is a hospital authorized pursuant to Division 23 of the Health and Safety Code.

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HOSPITAL EQUIPMENT means equipment permanently attached to the building utility services such as surgical, morgue, and recovery room fixtures, radiology equipment, medical gas containers, food service fixtures, essential laboratory equipment, TV supports, etc.

HYBRID STRUCTURE means a structure consisting of an original and one or more additions, constructed at different times, and with lateral-force-resisting systems of different types, or constructed with differing materials or a different design approach. The original building and additions are interconnected and not seismically isolated.

INTEGRATED REVIEW as applied in this chapter is the process by which the Office may engage early in the project design through the development and submission of documents during the design phases of conceptualization, criteria design, detailed design, implementation documents, office review, and final plan approval of a seismic retrofit project.

NONCONFORMING BUILDING means any building that is not a conforming building.

NONSTRUCTURAL PERFORMANCE CATEGORY (NPC) means a measure of the probable seismic performance of building contents and nonstructural systems critical to providing basic services to inpatients and the public following an earthquake, as defined in Article 11, Table 11.1 of these regulations.

NONSTRUCTURAL PERFORMANCE CATEGORY NPC-4D is a performance category assigned to existing hospital buildings not designed and constructed under a building permit issued by OSHPD that have been evaluated and or retrofitted to satisfy the requirements of NPC 4D for one of the Levels defined in Article 11, Table 11.1 Nonstructural Performance Categories. Level 1 being the minimum level of seismic compliance and Level 3 being the highest level of compliance required for continued operation beyond 2030.

PATIENT ORIGIN REGION is a geographic area bounded by the same U.S. Postal Service five-digit Zip Code. For the purposes of determining the hospital service area the patient origin region may be referred to as "region."

PRIMARY SOURCE means that building or portion of a building identified by the hospital as housing the main or principal source of a basic hospital service, serving the greatest number of patients, providing the greatest number of patient beds, or having the largest/greatest floor space of the specified basic service. The hospital may submit data to substantiate the primary source through alternative criteria if different than above.

PRINCIPAL HORIZONTAL DIRECTIONS means the two predominant orthogonal translational modes of vibration with the lowest frequency.

PROBABILITY OF COLLAPSE means the fraction of building that is expected to collapse given that the ground motions defined in Section 1.8.1 occur at the building site.

REBUILD PLAN means a plan to meet seismic standards primarily by constructing a new conforming SPC-5 building for use in lieu of an SPC-1 building.

REGION see definition for "patient origin region."

REMOVAL PLAN means a plan to meet seismic standards primarily by removing acute care services or beds from the hospital's license.

REPLACEMENT PLAN means a plan to meet seismic standards primarily by relocating acute care services or beds from nonconforming buildings into a conforming building.

RETROFIT PLAN means a plan to meet seismic standards primarily by modifying the building in a manner that brings the building up to SPC-2, SPC-4D, or SPC-5 standards.

RURAL HOSPITAL means a "rural general acute care hospital" as set forth in subdivision (a) of Section 1250 of the Health and Safety Code or a hospital located in a rural or frontier medical study service area, as defined by the California Healthcare Workforce Policy Commission.

SIGNIFICANT STRUCTURAL DEFICIENCY means an attribute of the structure considered to be significant with respect to Probability of Collapse.

SLENDER SEISMIC RESISTING SYSTEM means any vertical system for resisting lateral forces, such as walls, braced frames or moment frames, with a height to width ratio greater than four for the minimum horizontal dimension at any height.

SMALL AND RURAL HOSPITAL RELIEF PROGRAM is established under the administration of the Office of Health Facility Loan Insurance (OHFLI) within the Department of Health Care Access and Information (HCAI) for the purpose of funding seismic safety compliance with respect to small hospitals, rural hospitals, and critical access hospitals in the state.

SMALL HOSPITAL is a hospital with 50 beds or fewer.

STATE GRANT PROGRAM means a program established by the state to provide grant funding for seismic improvement projects for buildings used to provide general acute care services.

STRUCTURAL PERFORMANCE CATEGORY (SPC) means a measure of the probable seismic performance of building structural systems and risk to life posed by a building subject to an earthquake, as defined in Article 2, Table 2.5.3 of these regulations.

STRUCTURAL PERFORMANCE CATEGORY SPC-4D is a performance category assigned to previously nonconforming hospital buildings that have been demonstrated either by analysis or retrofit to be equivalent to the minimum prescriptive requirements of the 1979 Uniform Building Code (UBC 1979) including the California amendments, hereafter called the 1980 CBC, in accordance with Section 1.4.5.1.3 or the *California Existing Building Code* Sections 304A.3.3 and 304A.3.4.5, 501A.3.1, or 501A.3.2.

1.3 Seismic evaluation. All general acute care hospital owners shall perform a seismic evaluation on each hospital building in accordance with the Seismic Evaluation Procedures as specified in Articles 2 through 11 of these regulations. By January 1, 2001, hospital owners shall submit the results of the seismic evaluation to the Office for review and approval. By completing this seismic evaluation, a hospital facility can determine its respective seismic performance categories for both the Structural Performance Category (SPC) and the Nonstructural Performance Category (NPC) in accordance with Articles 2 and 11 of these regulations.

Exception: The Structural Performance Category of SPC-4D shall be established in accordance with Section 1.4.5.1.3 and the *California Existing Building Code* (CEBC) Sections 304A.3.3 and 304A.3.4.5, 501A.3.1, or 501A.3.2.

1.3.1 Seismic evaluation submittal. Hospital owners shall submit the seismic evaluation report to the Office by January 1, 2001. There are no provisions for submittal of the evaluation report after this date, except as provided in Section 1.4.5.1.2. The hospital owners shall submit the evaluation report in accordance with Section 7-113, "Application for Plan Report or Seismic Compliance Extension Review" and Section 7-133, "Fees" of Article 3, Chapter 7, Part 1, Title 24.

Exceptions:

1. Any hospital facility owner whose building is exempted from the structural evaluation in accordance with Section 2.0.1.2 shall not be required to submit a structural evaluation report as specified in Section 1.3.3. In lieu of the structural evaluation report, hospital owners shall submit the matrix of construction information for the specified building(s) as noted in Section 1.3.4.6 to the Office by January 1, 2001;
2. Any hospital facility owner whose building is exempted from the nonstructural seismic evaluation in accordance with Section 11.0.1.2 shall not be required to submit a nonstructural evaluation report as specified in Section 1.3.4. In lieu of the nonstructural evaluation report, hospital owners shall submit the matrix of construction information for the specified building(s) as noted in Section 1.3.4.6 to the Office by January 1, 2001.

1.3.2 Seismic evaluation format. The evaluation shall consist of the Structural Evaluation and the Nonstructural Evaluation Reports. The reports shall be prepared in conformance with Part 1, Chapter 7, Title 24 and these regulations and prepared as follows:

1. Reports shall be submitted in an $8^1/_2$″ x 11″ format;
2. All site, architectural, and engineering plans shall be formatted on 11- by 17-inch sheets (folded to $8^1/_2$ by 11 inches);
3. Larger sheets, if required to clearly describe the requested information, shall be appended to the reports; and
4. Other supporting documents in addition to those meeting the minimum requirements of Sections 1.3.3 and 1.3.4 may be appended to the reports.

1.3.3 Structural evaluation report. The structural evaluation report shall include the following elements:

1. A description of the building, including photographs of the building, and sketches of the lateral force resisting system;
2. The "General Sets of Evaluation Statements" from the Appendix;
3. A synopsis of the investigation and supporting calculations that were made;
4. A list of the deficiencies requiring remediation to change statement responses from false to true; and
5. The SPC for the building, with comments on the relative importance of the deficiencies.

1.3.4 Nonstructural evaluation report. The nonstructural evaluation report shall include the following elements:

1. A written description of the evaluation methods and procedures conducted in conformance with Article 11 of these regulations for the determination of the facilities existing compliance. The description shall include the systems and components required for the planned level of nonstructural performance as identified in Table 11.1;

   Exceptions:

   1. Additional evaluations as in accordance with Section 11.01.3 will be required for any hospital owner electing to obtain a higher NPC at a future date consistent with an approved compliance plan;
   2. A complete nonstructural evaluation up to NPC 5 is required prior to the hospital owner selling or leasing the hospital to another party.

2. Provide single line diagrammatic plans (site plan and floor plans) of the following:
   - 2.1. Location of the following areas/spaces:
     - (a) Central supply areas;
     - (b) Clinical laboratory service spaces;
     - (c) Critical care areas;
     - (d) Pharmaceutical service spaces;
     - (e) Radiological service spaces; and
     - (f) Sterile supply areas.
   - 2.2. Diagrammatic or narrative descriptions of the following major building systems where deficiencies are identified that are within the scope of the evaluation, including primary source location or point(s) of entry into the building and major distribution routes of each utility or system.
     - (a) Mechanical systems including:
       - i. Air supply equipment, piping, controls and ducting;
       - ii. Air exhaust equipment and ducting;

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iii. Steam and hot water piping systems, including boilers, piping systems, valving and components; and

iv. Elevators selected to provide service to patient, surgical, obstetrical and ground floors.

(b) Plumbing systems including:

i. Domestic water supply system, including heating equipment, valving, storage facilities and piping;

ii. Medical gas supply system, including storage facilities, manifolding and piping;

iii. Fire protection system, including sprinkler systems, wet and dry standpipes, piping systems and other fire suppression systems; and

iv. Sanitary drainage system, including storage facilities and piping.

(c) Electrical systems, including:

i. Essential electrical system, including emergency fuel storage;

ii. Internal communication systems;

iii. External communication systems;

iv. Fire alarm systems; and

v. Elevators selected to provide service to patient, surgical, obstetrical and ground floors.

3. A synopsis of the evaluation and all the calculations used in the course of the evaluation for the planned level of nonstructural performance;

4. A list of the deficiencies identified in the course of the evaluation for the planned level of nonstructural performance;

5. Provide an 11- by 17-inch scaled Site Plan which identifies the boundaries of the facility property, locates all buildings, roadways, parking and other significant site features and improvements. Identify boundaries between buildings which were constructed at different times. For all buildings, note the names of the buildings and date of each related building permit. Provide the SPC and NPC for all buildings.

6. Provide the following matrix (given in Section 1.4.4.5) of construction information for each building of the facility under the acute care license, include the Structural Performance Category (SPC) and Nonstructural Performance Category (NPC) for all hospital buildings (see Tables 2.5.3 and 11.1). Identify each building addition separately. For buildings constructed, reconstructed or remodeled under a building permit issued by the Office, provide the OSHPD application number and the date of the initial submittal.

1.4 Compliance plans. A compliance plan shall be prepared and submitted for each building subject to these regulations. All general acute care hospital owners shall formulate a compliance plan which shall indicate the facility's intent to do any of the following:

1. Building retrofit for compliance with these regulations for continued acute care operation beyond 2030;
2. Partial retrofit for initial compliance, with closure or replacement expected by 2002, 2008, 2013 or 2030;
3. Removal from acute care service with conversion to nonacute care health facility use; or
4. No action, building to be closed, demolished or replaced.

This plan shall clearly indicate the actions to be taken by the facility and shall be in accordance with the timeframes set forth in Article 2 (Structural Performance Category-"SPC") and Article 11 (Nonstructural Performance Category-"NPC") of the Seismic Evaluation Procedure regulations.

1.4.1 Preparation of the compliance plan. The Compliance Plan shall be prepared and submitted in conformance with these regulations in the following format:

1. Compliance Plans shall be submitted in an $8^1/_2$- by 11-inch format;
2. All site, architectural, and engineering plans shall be formatted on 11- by 17-inch sheets (folded to $8^1/_2$ by 11 inches);
3. Larger sheets, if required to clearly describe the requested information, shall be appended to the compliance plan; and
4. Other supporting documents in addition to those meeting the minimum requirements of Section 1.4.4 may be appended to the compliance plan.

1.4.2 Compliance plan submittal. Hospital owners shall submit the compliance plan to the Office by January 1, 2001, unless the owner requests an extension pursuant to Section 1.4.3. The hospital owners shall submit the compliance plan in accordance with Section 7-113, "Application for Plan or Report Review" and Section 7-133, "Fees" of Article 3, Chapter 7, Part 1, Title 24.

1.4.3 Compliance plan submittal extension. Hospital owners may request an extension from the Office for submission of the compliance plan. Any hospital owner requesting an extension for submittal of the compliance plan shall make such request in writing to the Office up to 180 days prior to, but no later than January 1, 2001. The compliance plan must be submitted no later than January 1, 2002. All hospital owners requesting an extension for submittal of the compliance plan shall certify to OSHPD that all hospital buildings continuing acute care operation beyond January 1, 2002 meet the standards of NPC 2 by January 1, 2002.

1.4.4 Compliance plan requirements. Each compliance plan shall contain the following elements:

1. An Existing Site/Campus Description;
2. A Compliance Plan Description;
3. A Compliance Site Plan;

4. A Compliance Plan Schedule; and
5. An Existing and Planned Buildings Matrix.

1.4.4.1 Existing site/campus description. If the compliance plan is submitted separately from the seismic evaluation, it will be necessary to resubmit the information as specified in Section 1.3.4.5, of the Nonstructural Evaluation Report.

1.4.4.2 Compliance plan description. Provide a comprehensive narrative description of the Compliance Plan, including the projected schedule for compliance.

1.4.4.3 Compliance site plan. Provide Compliance Site Plans, indicating the configuration of the facility at the 2008 and 2030 milestones. The plans shall indicate conforming and nonconforming buildings and identify the final configuration of the facility at each milestone, after completion of compliance measures.

1.4.4.4 Compliance plan schedule. Provide a bar graph schedule which describes the schedule for compliance with the SPC and NPC seismic performance categories, indicating the schedule of the following major phases of the plan:

1. Obtain a geotechnical report (if necessary);
2. Architecture and engineering design/construction document preparation;
3. Local approvals;
4. Office review, approval and permitting;
5. Approval of California Department of Public Health (CDPH) Licensing and Certification, and any other required licensing;
6. Permanent relocation of acute care services to other buildings or facilities (identify services affected);
7. Temporary/interim relocation of acute care services to other buildings including the duration of the approved program flexibility plan pursuant to Health and Safety Code Section 1276.05;
8. Construction period; and
9. Beneficial occupancy.

1.4.4.5 Existing and planned buildings matrix. Provide the following matrix of construction information for each building of the facility under the acute care license, include the Structural Performance Category (SPC) and Nonstructural Performance Category (NPC) for all hospital buildings (see Tables 2.5.3 and 11.1). Identify each building addition separately.

BUILDING NAME/ DESIGNATION	BUILDING TYPE (per Section 2.2.3)	SPC existing	SPC planned	NPC existing	NPC planned

1.4.5 Compliance plan update/change notification. A change to an approved Compliance Plan shall be submitted by a hospital owner when the method or schedule to achieve compliance changes.

An owner of a hospital building not in compliance with Health and Safety Code Section 130065 shall submit for review and approval a revised compliance plan to the Department no later than January 1, 2026.

A revised Compliance Plan shall contain the following information at a minimum:

1. Facility name, address and five-digit facility identification number;
2. List of all hospital buildings in use by the facility for general acute care that are not in full compliance with Section 130065 of the Health and Safety Code, with an inventory of services in each affected building;
3. Proposed Method of Compliance for each building:
   a. Retrofit – modify the building in a manner that qualifies for a performance rating of SPC-4D or SPC-5 and NPC-5;
      If retrofit is the proposed method of compliance, describe the method of improvement for each affected building's structural (SPC) and non-structural (NPC) performance rating.
   b. Replace – relocation of general acute care services to an existing conforming building;
   c. Rebuild – relocation of general acute care services to a new SPC-5/NPC-5 building.
4. Compliance program schedule. Schedule provides anticipated dates for submission of the following activities:
   a. Pre-design scopes of work including geotechnical studies, materials testing sampling and reports and retrofit concept review.
   b. Design-phase activity, to include timing for plan submission and approval.
   c. Construction-phase activity, to include permit date, construction commencement and completion.
5. List of approved OSHPD project numbers and titles related to the seismic compliance improvement plan for each building, including building evaluations, materials testing project and test reports, and compliance construction projects.

1.4.5.1 Change in seismic performance category. The SPC or NPC for a hospital building shall be permitted to be changed by the Office from the initial determination in Section 1.3.3 or 1.3.4, provided the building has been modified to comply with the require-

ments of the *California Existing Building Code* (Part 10 of Title 24) for the specified SPC or NPC. The SPC of a hospital building shall also be permitted to be changed based on the following:

1. Collapse probability assessments in accordance with Section 1.4.5.1.2; or
2. Analysis or retrofit in accordance with Section 1.4.5.1.3.

1.4.5.1.1 The SPC or NPC for a hospital building may be in accordance with by the Office from the initial determination made per Sections 2.0.1.2.3 or 11.0.1.2.1 upon the following:

1. A Seismic Evaluation Report shall be submitted and approved which shall include either or both of the following:
   1.1. A structural evaluation report in accordance with Section 1.3.3;
   1.2. A nonstructural evaluation report in accordance with Section 1.3.4.

   Exception: To change an NPC 1 hospital building to an NPC 2 under this section, the nonstructural evaluation may be limited in scope to the systems and equipment specified in Section 11.2.1.
2. The building has been modified to comply with the requirements of the *California Existing Building Code* (Part 10 of Title 24) for the specified SPC or NPC.

1.4.5.1.2 Hospital buildings with an SPC 1 rating, may be reclassified to SPC 2 by the Office, pursuant to Table 2.5.3, on the basis of a collapse probability assessment in accordance with Section 1.4.5.1.2 Item 1 provided the hospital buildings received an extension to the January 1, 2008, compliance deadline in accordance with Section 1.5.2.

Exception: Hospital buildings with the potential for surface fault rupture and surface displacement at the building site (Section 9.3.3) are not eligible for reclassification.

1. Hospital buildings with SPC 1 rating may be reclassified as follows:
   a) The Office shall issue a written notice to the hospital owners informing them that they may be eligible for reclassification of their SPC 1 buildings as permitted by this section.
   b) For an SPC-1 building to be considered for reclassification to the SPC-2 rating, the hospital owner shall request a collapse probability assessment. The request shall include at a minimum the information and documents specified in Section 1.8.

1.4.5.1.2.1 Upon assessment of the collapse probability of the SPC-1 building, the Office shall notify the hospital owner in writing the final SPC rating of the subject building.

Every building with collapse probability more than 0.75 percent, but less than or equal to 1.20 percent, shall be altered, repaired or seismically retrofitted to mitigate any deficiencies identified in accordance with Article 10 Sections 10.1.1.1, 10.1.2.2, 10.1.6 and 10.1.7 of this chapter (as part of the complete seismic evaluation in accordance with Section 1.3.3) by January 1, 2015. Hospitals not meeting the deadline set by this section shall not be issued a building permit for any noncompliant building except those required for seismic compliance in accordance with the *California Administrative Code* (Chapter 6), maintenance, and emergency repairs until the building permit required by this section is issued.

1.4.5.1.2.2 When the collapse probability assessment by the Office results in the building remaining in SPC 1, further evaluation may be provided by the hospital owner in accordance with Section 2.7 in order to substantiate a higher SPC rating.

1.4.5.1.3 Nonconforming hospital buildings shall be permitted to be reclassified to SPC-4D, pursuant to Table 2.5.3, in accordance with the CEBC Sections 304A.3.3 and 304A.3.4.5, 501A.3.1, or 501A.3.2.

Exceptions: Hospital buildings with the following deficiencies are not eligible for reclassification to SPC-4D:

1. Hospital buildings with the potential for surface fault rupture and surface displacement at the building site (Section 9.3.3).
2. Unreinforced Masonry shear wall buildings (Section 5.4), and
3. Precast Concrete buildings (Sections 4.4, 5.2 & 7.4).

1.4.5.1.4 Except as provided in Section 1.4.5.1.5, a nonconforming hospital building that does not meet the structural and nonstructural requirements of Table 2.5.3 and Table 11-1 shall not provide acute care services or beds after the compliance deadlines set forth in Section 1.5.1. After these deadlines, the following shall apply.

1. A nonconforming hospital building used as a hospital outpatient clinical services building shall not be classified as a hospital building. It shall comply with the provisions of Health and Safety Code Section 129725. It shall not be subject to the requirements of Title 24, Part 1, Chapter 6.
2. A nonconforming hospital building used as an acute psychiatric hospital or multistory skilled nursing facility or intermediate care facility shall be classified as a hospital building. However, it shall not be subject to the requirements of Title 24, Part 1, Chapter 6.
3. A nonconforming hospital building used as a single-story wood frame or light steel frame skilled nursing facility or intermediate care facility shall not be classified as a hospital building, and shall not be subject to the requirements of Title 24, Part 1, Chapter 6.
4. A nonconforming hospital building used for purposes other than those listed above shall not be classified as a hospital building; shall not be licensed pursuant to Health and Safety Code Section 1250(a); shall not be subject to the requirements of Title 24, Part 1, Chapter 6; and shall not be under the jurisdiction of the Office.

1.4.5.1.5 A hospital building from which acute care services and beds have been removed or a nonconforming hospital building without SPC or NPC rating shall not provide general acute care services unless it has been modified to comply with the requirements of SPC-4D or SPC 5 and NPC 4, NPC 4D or NPC 5. Prior to use for acute care service, the SPC and/or NPC of the hospital building shall be changed in accordance with Section 1.4.5.1.1 or 1.4.5.1.3.

1.5 Compliance requirements. All general acute care hospital owners shall comply with the seismic performance categories, both SPCs and NPCs, established in the seismic evaluation procedures, Articles 2 and 11 and set forth in Tables 2.5.3 and 11.1, respectively.

1.5.1 Compliance deadlines.

1. Before January 1, 2020, the owner of an acute care inpatient hospital where buildings are rated SPC 1 or SPC 2; or where the NPC rating is less than 5, shall submit to the Office an attestation that the board of directors of that hospital is aware that the hospital building is required to meet the January 1, 2030, deadline for substantial compliance with those regulations and standards.
2. After January 1, 2020, any general acute care hospital building which continues acute care operation must, at a minimum, meet the nonstructural requirements of NPC 2, as defined in Article 11, Table 11.1 or shall no longer be granted a building permit for construction work in such building except those required for seismic compliance in accordance with the *California Administrative Code* (Chapter 6), maintenance, and emergency repairs.
3. After January 1, 2030, any general acute care hospital building which continues acute care operation must, at a minimum, meet the structural requirements of SPC 3, 4, 4D or 5, as defined in Article 2, Table 2.5.3 and the nonstructural requirements of NPC 5, as defined in Article 11, Table 11.1 or shall no longer provide acute care services.

1.5.2 Delay in compliance.

1. **Requirements for NPC.** For any general acute care hospital building, the following shall apply:

    1.1. By January 1, 2024, the hospital owner shall submit to the Office a complete nonstructural evaluation up to NPC 4 or 4D and NPC 5, for each building.

    1.2. By March 1, 2026, the hospital owner shall submit to the Office construction documents for NPC 4 or 4D and NPC 5 compliance that are deemed ready for review by the Office, for each building that will continue to provide acute care services beyond January 1, 2030.

    Exception: Buildings that have been removed from general acute care service, or have projects to remove the building from acute care services by January 1, 2030.

    1.3. By March 1, 2028, the hospital owner shall obtain a building permit to begin construction, for NPC 4 or 4D and NPC 5 compliance of each building that the owner intends to use as a general acute care hospital building after January 1, 2030. Hospitals not meeting the March 1, 2028 deadline set by this section shall not be issued a building permit for any noncompliant building except those required for seismic compliance in accordance with the *California Administrative Code* (Chapter 6), maintenance, and emergency repairs until the building permit required by this section is issued.

    Exception: If the hospital has obtained an extension for SPC compliance, the NPC compliance deadlines shall coincide with the approved SPC extension deadlines and the requirements of Sections 1.5.2 shall be deemed to be satisfied.

    1.4. After March 1, 2028, for buildings with an NPC 3 or lower rating, all remodels/renovations, or other construction work, shall include anchorage and/or bracing of all equipment and services within the boundary of the scope of work that is not in compliance with NPC 4 or NPC 4D.

    Exception 1: Remodels/renovations, or other construction work, that remove a room or space from service use or occupancy for less than 24 hours.

    Exception 2: Where 20 percent or less of the affected existing construction, such as ceilings, walls, and ducts, but independent of finishes, is removed to access equipment and services for anchorage/bracing may be reinstalled as it pre-existed prior to the NPC work, as long as it was in compliance with the code at the time it was installed/constructed.

    Exception 3: Buildings that have been removed from general acute care service, or have projects to remove the building from acute care services by 2030.

    1.5. Any general acute care hospital building (located in Seismic Design Category D or F) granted an extension up to January 1, 2020 or beyond is deemed to comply with the terms of the extension if all of the following conditions are met:

        1.5.1. The hospital meets the anchorage and bracing requirements for NPC 2.

        1.5.2. The building is upgraded to NPC 3 in accordance with the compliance timeframes specified in Table 11.1.

        Exception: The building is SPC-2, the method of compliance is to remove the building from general acute care service by 2030, and no SPC-4D projects have been submitted to the Office.

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2. **Requirements for SPC.**

1. Extensions beyond January 1, 2020.

1.1. The Office may grant the hospital owner an additional extension to the January 1, 2020 seismic compliance deadline for each SPC 1 building where all the following conditions are met:

(a) An extension was previously granted pursuant to California Health and Safety Code, Section 130060(g) or Section 130061.5(b).

(b) A prior compliance plan corresponding to a replacement, retrofit or rebuild project was submitted to the Office by January 1, 2018.

(c) The application for an extension is submitted by the owner on a form provided by the Office, and received by the Office no later than April 1, 2019.

(d) The application, one per building, shall identify the seismic compliance method chosen based on a replacement, retrofit or rebuild plan as defined in definitions Section 1.2 of this chapter, for addressing the acute care functions in the SPC-1 building.

(e) Documentation of facts necessary in determining the maximum length of the extension that may be granted in accordance with subsection 2.1.1 shall be submitted with the application.

1.1.1. Maximum Length of Extension. The Office shall not grant an extension that exceeds the amount of time needed by the owner to come into compliance. The length of the extension to be granted shall be based upon a showing by the owner of the facts necessitating the additional time. It shall include a review of the plan and all the documentation submitted in the application for the extension, and shall permit only that additional time necessary to allow the owner to deal with compliance plan issues that cannot be fully met without the extension.

1.1.2. Extension for Replacement or Retrofit Plan Where Construction Has Not Started. For an extension request based on a replacement plan or retrofit plan, final seismic compliance shall be achieved, a certificate of occupancy or construction final shall be obtained by July 1, 2022 and the following conditions shall apply:

1. Application submitted shall contain an extension schedule that identifies:
   a. The maximum extension time requested, but no later than July 1, 2022.
   b. Date when building permit will be obtained.
   c. Date the hospital will begin construction.
2. A construction schedule shall be submitted within 15 calendar days of obtaining a building permit. The construction schedule shall identify a minimum of two major milestones acceptable to the office that will be used as a basis for determining whether the hospital is making adequate progress. Major milestones identified in the construction schedule shall be chosen such that they are easily verifiable by the Office.
3. Obtain a building permit.
4. Start construction.

Compliance with the requirements in (1 through 4) above shall be achieved no later than April 1, 2020.

1.1.3. Extension for Rebuild Plan Where Construction Has Not Started. For an extension requested based on a rebuild plan, final seismic compliance shall be achieved, a certificate of occupancy shall be obtained by January 1, 2025 and the following shall apply:

1. Application submitted, shall contain an extension schedule that identifies:
   a. The maximum time request for the extension, but no later than January 1, 2025.
   b. Date of submission of the rebuild project deemed ready for review to the Office, but no later than July 1, 2020.
   c. Date when building permit will be obtained.
   d. Date the hospital will begin construction.
2. Submission of the rebuild project deemed ready for review to the Office shall occur no later than July 1, 2020.
3. A construction schedule submitted within 15 calendar days of obtaining a building permit. The construction schedule shall identify a minimum of two major milestones acceptable to the office that will be used as a basis for determining whether the hospital is making adequate progress. Major milestones identified in the construction schedule shall be chosen such that they are easily verifiable by the Office.

4. Obtain a building permit.
5. Start construction.

Compliance with the requirements in Items 3 through 5 above shall be achieved no later than January 1, 2022.

1.1.4. Extension where Construction has Started. For a hospital building that has previously submitted to the Office a retrofit, replace or rebuild project for which a retrofit, replace or rebuild project was previously submitted to the Office and is under construction, the application for an extension shall contain all the following:

1. The method of compliance with the requested extension which shall be no later than July 1, 2022 for retrofit or replace plan and January 1, 2025 for rebuild plan. The application shall include the facts necessitating the additional time.
2. The project number under which the construction has commenced and is continuing.
3. A revised construction schedule to reflect the extension being requested and at least two major milestones shall be identified. Major milestones shall be chosen such that they are easily verifiable by the Office.

1.2. Quarterly Status Reports. A hospital granted an extension pursuant to this section shall provide a quarterly status report in a form required by the Office, consistent with their extension/construction schedule. The first report is due on July 1, 2019, and subsequent status reports shall be due every October 1, January 1, April 1, and July 1 until seismic compliance is achieved. Each quarterly report shall contain the cumulative progress made towards meeting the dates in the extension and the construction schedules, current to 15 calendar days before the report is due. The report may be submitted to the Office no more than 15 calendar days before the due date.

1.3. Fines for Failure to Comply. Failure to comply with the dates for plan submission, construction schedule submission, obtain a building permit, to begin construction identified and accepted by the Office in the extension schedule or the major milestone dates identified and accepted by the Office in the construction schedule shall result in the assessment of a fine of five thousand dollars ($5,000) per calendar day until the requirements or milestones, respectively, are met. The Office shall not issue a construction final or certificate of occupancy for the building until all assessed penalties accrued pursuant to this section have been paid in full or, if an appeal is pending, have been posted subject to resolution of the appeal.

1.4. Adjustments to Schedules. The Office may grant an adjustment as necessary to deal with contractor, labor, material delays, with acts of God, or with governmental entitlements, experienced by the hospital. The hospital shall submit the reason for the delay along with substantiating documents, a revised construction schedule and identify at least two new major milestones consistent with the adjustment. Requests for adjustments shall be made with the Office as soon as the reasons for the delay are known but no less than 30 calendar days before any upcoming affected extension schedule or construction milestone date.

Failure to comply with the revised construction schedule or meet any of the major milestones shall result in penalties as specified in subsection 2.3. The adjustment shall not exceed the corresponding final seismic compliance date of July 1, 2022 for a replacement plan or retrofit plan and January 1, 2025 for a rebuild plan.

3. **Extensions beyond the January 1, 2030 deadline.** For both the structural and nonstructural requirements for qualifying hospitals under Item (a) or (b) and which satisfy the requirements in Item (c) of this section are eligible for extensions beyond the January 1, 2030 deadline, subject to the additional requirements in Items (d) through (g).

This section does not apply to Structural Performance Category-1 buildings.

(a) A Distressed Hospital Loan Program recipient, a small hospital, a rural hospital, a critical access hospital, or a health care district hospital, except as otherwise provided in this section, may seek approval from the Department for a delay to the January 1, 2030 compliance deadline of up to three years with the submission and departmental approval of a seismic compliance plan, submitted in accordance with Section 1.4 of Article 1 of Chapter 6 of Title 24 of the *California Administrative Code* by January 1, 2026, and a Nonstructural Performance Category-5 evaluation report, submitted in accordance with Article 11 of Chapter 6 of Title 24 of the *California Administrative Code* to the Department by January 1, 2025.

(b) Hospitals that belong to integrated health care systems with two or more separately licensed hospital facilities shall be ineligible for a delay under Item (a), including a health care district hospital that has a contractual agreement with a health system that imposes upon the health system any financial responsibility for the health care district's infrastructure costs for compliance with Health and Safety Code Section 130065, unless the entire integrated health care system is determined by the Department to be in financial distress.

Exception: Item (b) does not apply to any of the following:

(1) A rural hospital with fewer than 80 general acute care beds and general acute care hospital revenue of seventy-five million dollars ($75,000,000) or less, as reported to the Department pursuant to Health and Safety Code Section 128740 in 2020.

(2) A hospital that is part of an integrated health care system that is operated by a health care district or a nonprofit corporation that is affiliated with the health care district hospital owner by means of the district's status as the nonprofit corporation's sole corporate member.

(3) A health care district hospital that does not have a contractual, management, lease, or operating agreement with a health system that imposes upon the health system any financial responsibility for the health care district's infrastructure cost for compliance with Health and Safety Code Section 130065.

(c) The hospital owner requesting an extension in accordance with this section must submit to the Department, the following:

(1) A Nonstructural Performance Category-5 evaluation report in compliance with Article 11 of Chapter 6 of Title 24 of the *California Administrative Code* for each building, if necessary, by no later than January 1, 2025.

(2) The hospital's seismic compliance plan in accordance with Section 1.4 of Article 1 of Chapter 6 of Title 24 of the *California Administrative Code* and related regulations by January 1, 2026. The seismic compliance plan shall outline steps, including milestones, to achieve compliance with seismic safety standards at the earliest reasonable date, but by no later than January 1, 2033. The seismic compliance plan shall be approved by the Department subject to the following:

(i) The subject hospital shall identify at least two major milestones relating to the seismic compliance plan that will be used as the basis for determining whether the hospital is making adequate progress toward meeting the subject hospital's seismic compliance deadline.

(ii) If the seismic compliance plan includes a compliance schedule that is delayed beyond the 2030 seismic compliance deadline, the hospital shall submit any documentation requested by the Department to assist the Department in its review of the reasonableness of the compliance schedule.

(iii) The Department shall within 120 days of the submittal deadline approve or deny the hospital's seismic compliance plan and any delay to the seismic compliance deadline submitted in accordance with Section 1.4. If the Department determines the compliance schedule is unreasonable based on the information submitted, the Department shall notify the hospital and provide the Departmental rationale for its determination. The hospital shall be given the opportunity to address the identified concerns or to provide additional information to substantiate the compliance schedule.

(d) The Department may additionally delay the amount of time for hospitals that qualify for the extension under Items (a) or (b) by two years, up to a maximum of January 1, 2035. This delay may be authorized as necessary for hospitals that continue to experience financial distress or that need to deal with contractor, labor, or material delays, acts of God, governmental entitlements, or other circumstances beyond the hospital's control. If up to an additional two-year delay is granted, the hospital shall submit a revised construction schedule and associated milestones to the Department.

The hospital requesting the extension shall provide the Department with information that the Department deems necessary, including information to assess whether the hospital is in financial distress or continues to be in financial distress.

The Department will make a determination of financial distress using financial criteria, including, days cash on hand, current ratio, access to working capital, operating margin, cash burn rate, the financial impact of mandatory seismic compliance costs on the hospital or integrated health care system, and other methodologies developed pursuant to Chapter 4 (commencing with Health and Safety Code Section 129380) of Part 6 of Division 107 of the Health and Safety Code.

If the Department determines that an eligible hospital or integrated health care system is no longer in financial distress and is not likely to return to financial distress due to complying with seismic safety standards, the hospital or integrated health care system shall submit a revised seismic compliance plan to the Department for review and approval one month after being informed of the Department's determination that the hospital or integrated health care system is no longer in financial distress. Notwithstanding any delay of the January 1, 2030, seismic requirements granted to the hospital or integrated health care system pursuant to Item (a), the Department may adjust compliance deadlines to reflect the fact that the hospital or integrated system is no longer in financial distress.

(e) Adjustments to Schedules. The Department may grant an adjustment as necessary to deal with contractor, labor, material delays, with acts of God, or with governmental entitlements, experienced by the hospital. The hospital shall submit the reason for the delay along with substantiating documents, a revised construction schedule and identify new milestones consistent with the adjustment. Requests for adjustments shall be made with the Department as soon as the reasons for the delay are known but no less than 30 calendar days before any upcoming affected extension schedule or construction milestone date.

Failure to comply with the revised construction schedule or meet any of the major milestones shall result in penalties as specified in Items (f) and (g) The adjustment shall not exceed the corresponding final seismic compliance date of January 1, 2033, under Item (a) or January 1, 2035, under Item (d).

(f) Failure to comply with the construction schedule or meet any milestone established by the Department and the hospital shall result in the assessment of a fine of five thousand dollars ($5,000) per calendar day until the requirements or milestones, respectively, are met.

(g) Hospitals that fail to meet any milestone or seismic compliance deadline approved in its compliance plan shall not be issued a building permit for any building in the facility except those required for seismic compliance, maintenance, and emergency repairs until the milestone is met and the hospital is adequately progressing toward meeting the subject hospital's seismic compliance, as determined by the Department.

1.6 Dispute resolution/appeals process. Dispute resolution and appeals shall be in conformance with Article 5, Chapter 7, Part 1 of Title 24.

1.7 Notification from OSHPD.

1. The Office shall issue written notices of compliance to all hospital owners that have attained the minimum required SPC and NPC performance levels by the required seismic compliance dates or extension dates granted by the Office;
2. The Office shall issue written notices of violation to all hospital owners that are not in compliance with the minimum SPC and NPC performance levels by the required seismic compliance dates or extension dates granted by the Office; and
3. The Office shall notify the State Department of Health Services of the hospital owners which have received a written notice of violation for failure to comply with these regulations.

1.8 Collapse probability assessment. Hospital owners may request a collapse probability assessment to reclassify buildings with an SPC-1 rating to SPC-2 in accordance with Section 1.4.5.1.2, or be used to determine eligibility for an extension in accordance with Section 1.5.2 Item 8.

1.8.1 The collapse probability assessment by the Office shall be determined using the following:

1. Multi-Hazard Loss Estimation Methodology, Earthquake Module (HAZUS-MH) developed by the Federal Emergency Management Agency (FEMA)/National Institute of Building Sciences (NIBS).
2. Building specific input parameters required by the Advanced Engineering Building Module (AEBM) of the HAZUS methodology shall be obtained from Appendix H to Chapter 6.
3. Modifications by the Office to the AEBM input parameters are hereby adopted as shown in Appendix H to Chapter 6, which are based on the following:
    a) Building type
    b) Building height and number of stories
    c) Building age
    d) Significant Structural Deficiencies listed in Section 1.8.2 Item 2.
4. Site seismicity parameters adjusted for soil type, as determined by the Office, shall be the lesser of:
    a) Deterministic ground motion due to the maximum magnitude earthquake event on the controlling fault system.
    b) Probabilistic ground motion having 10 percent probability of being exceeded in 50 years.

1.8.2 The collapse probability assessment for SPC-1 buildings shall be based on the following building information, parameters and documents:

1. A complete seismic evaluation of the building pursuant to Section 1.3.3.

    Exception: Hospital owners who had submitted a complete structural evaluation report in compliance with Section 1.3.3, that is deemed to be complete by the Office, need not resubmit.
2. A supplemental evaluation report prepared by a California registered structural engineer that identifies the existence or absence of the building structural Lateral Force Resisting System (LFRS) properties and Significant Structural Deficiencies listed below:
    a. Age: Year of the *California Building Code* (CBC) used for the original building design.

        Exception: For pre-1933 buildings, the design year shall be reported.
    b. Materials Tests: Office approved materials test results based on test plan preapproved by the Office (Section 2.1.2).
    c. Load path (Section 3.1).
    d. Mass irregularity (Section 3.3.4).
    e. Vertical discontinuity (Section 3.3.5).
    f. Adjacent buildings (Section 3.4).
    g. Short captive column (Section 3.6).
    h. Material deterioration (Section 3.7).
    i. Weak columns (Sections 4.2.8 and 4.3.6).
    j. Wall anchorage (Section 8.2).
    k. Redundancy (Section 3.2).
    l. Weak story irregularity (Section 3.3.1).
    m. Soft story irregularity (Section 3.3.2).
    n. Torsional irregularity (Section 3.3.6).

o. Deflection incompatibility (Section 3.5).
p. Cripple walls (Section 5.6.4).
q. Openings (in diaphragm) at shear walls (Section 7.1.4).
r. Topping slab missing (Sections 7.3 and 7.4) or the building type (structural system) is of lift slab construction.
s. URM wall height to thickness ratio (Section 5.4.3).
t. URM Parapets (Section 10.1.6).

This supplemental evaluation report shall include supporting documentation including existing construction drawings or reconstructed as-builts (Section 2.1.2) relating to the existence or absence of the Significant Structural Deficiencies listed above including calculations, where required, for review and acceptance by the Office, unless they are included in the complete structural evaluation.

3. Building systems shall be classified as to their Model Building Type in accordance with Table 1.8. For buildings with multiple building types, all types shall be listed. The building type resulting in the maximum collapse probability will be utilized by the Office to determine eligibility for reclassification.
4. Building height and number of stories above and below the seismic base shall be specified.
5. For SPC-1 buildings where the potential for surface fault rupture and surface displacement at the building site is present as determined by Section 9.3, a supplemental geologic hazards report prepared by a California registered engineering geologist/seismologist is required to address the following:
   a. A site plan showing diagrammatically the location of the building footprint, the surface trace or traces of potential surface fault rapture.
   b. The expected surface displacement during a rupture event.

TABLE 1.8—MODEL BUILDING TYPE

MODEL BUILDING TYPE (MBT)	DESCRIPTION
W1	Wood, Light Frame (≤ 5,000 sq ft)
W2	Wood, greater than 5,000 sq ft
S1	Steel Moment Frame
S2	Steel Braced Frame
S3	Steel Light Frame
S4	Steel Frame with Cast-In Place Concrete Shear Walls
S5	Steel Frame with Unreinforced Masonry Infill Walls
C1	Concrete Moment Frame
C2	Concrete Shear Walls
C3	Concrete Frame with Unreinforced Masonry Infill Walls
PC1	Precast Concrete Tilt-Up Walls
PC2	Precast Concrete Frames with Concrete Shear Walls
RM1	Reinforced-Masonry Bearing Walls with Flexible Diaphragms
RM2	Reinforced-Masonry Bearing Walls with Rigid Diaphragms
URM	Unreinforced-Masonry Bearing Walls
MH	Manufactured Housing

1.9 Small and Rural Hospital Relief Program is established in statute for the purpose of providing funding for improvement of a building's seismic performance rating. The program is administered by HCAI, who is responsible for issuing grants to facilities for seismic improvement projects. A grant provided under this program may be used only for funding seismic safety compliance.

1.9.1 Eligibility. HCAI determines eligibility of a hospital to participate in this program in accordance with the following criteria:

a. Small hospital.
b. Rural hospital.
c. Critical access hospital.
d. Distressed Hospital Loan Program recipient that seeks delay under Section 1.5.2, Item 3, beyond the January 1, 2030 deadline.
e. Health care district hospital that seeks delay under Section 1.5.2, Item 3, beyond the January 1, 2030 deadline.

The eligible hospitals shall meet both of the following criteria:

1. Compliance imposes a financial burden on the applicant that may result in hospital closure.

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2. The hospital closure would substantially impact the accessibility of health care in the communities surrounding the hospital.

1.9.2 Grant Requirements.

1. Grants shall provide a general acute care hospital with funds to secure an SPC-4D assessment for purposes of planning for, and estimating the costs of, complying with Health and Safety Code Section 130065.
2. A general acute care hospital receiving a grant for an assessment shall provide the estimated cost of SPC-4D compliance to the Department.
3. A general acute care hospital that has received a grant for an assessment may apply for a grant for purposes of complying with Health and Safety Code Section 130065.
4. For a general acute care hospital that already has an SPC-4D assessment approved by the Department, the Department may award the general acute care hospital grant money for purposes of complying with Health and Safety Code Section 130065.
5. If state funds are appropriated to the Small and Rural Hospital Relief Fund for the purpose of complying with Health and Safety Code Section 130065, before being awarded state funds, a hospital that qualifies for assessment grants shall submit financial information to HCAI, on a form as required by HCAI, related to all of the following:
   a) Whether the hospital has attempted to secure other methods of funding for SPC-4D compliance, including federal funding, and if not, the reason why.
   b) The accuracy of the hospital's SPC-4D cost estimates and confirmation that the estimated costs are only for purposes of SPC-4D compliance.
   c) The hospital's need for assistance due to financial hardship and lack of ability to finance the required improvements, in order to access state funds.
6. In awarding grants, HCAI shall have the authority to deny any costs from the completed assessment that the Department determines are not necessary to comply with SPC-4D requirements.

1.10 Integrated Review for seismic compliance projects.

1. **Purpose.** The purpose of integrated review is to provide technical assistance to a hospital's project team in the development of a cost-efficient structural or non-structural seismic retrofit program. A cost-efficient retrofit program is one that achieves a compliant condition for SPC-4D/SPC-5 and NPC-3/NPC-4/NPC-4D and NPC-5 with no more work than is necessary to attain the rating while limiting impact to operations from project delivery.
2. **Voluntary requests.** The Department, at its sole discretion, may enter into a written agreement with the hospital governing board or authority for an Integrated Review. A hospital may request Integrated Review to aid in the planning and implementation of a seismic retrofit project for a general acute care hospital building. The fee for Integrated Review shall be on a Time and Materials Basis.

1.11 Public notices.

1. On or after January 1, 2023, a hospital building that is classified as SPC-2 shall be labeled with the words, "These buildings do not significantly jeopardize life, but may not be repairable or functional following an earthquake" on the department's internet website and in the following documents. A hospital building that is classified as both SPC-5 and NPC-5 may be labeled "earthquake resilient" on the department's internet website and in the following documents:

   Documents required to include building labeling:

   a. On the title sheet of construction drawings and title sheet of specifications. The following documents and/or forms are excluded: Amended Construction Documents (ACD), Calculations, and Testing, Inspection & Observation (TIO).
   b. On the title sheet of seismic compliance evaluation reports.
2. Before January 1, 2024, the owner of an acute care inpatient hospital shall post a notice in a public space, designated as any lobby or waiting area, for each general acute care building, except for buildings with SPC-3/NPC-5, SPC-4D/NPC-5, SPC-4/NPC-5, or SPC-5/NPC-5 ratings. A project shall be submitted to the Office for the proposed location and the content of the notice. The notice sign shall be in accordance with the *California Building Code*, California Code of Regulations, Title 24, Part 2, Volume 1, *Chapter 11B, DIVISION 7, Section 11B-703.5 Visual characters*. For all notice types, the SPC and NPC rating of the building shall be included. The required format of the notice is published on the OSHPD website.

   For each general acute care hospital building, the type of notices shown in Table 1.11 are required.

TABLE 1.11—NOTICE REQUIREMENTS OF GENERAL ACUTE CARE (GAC) BUILDINGS

	NPC-1, 2, 3, 4D, 4	NPC-5
SPC-1	Notice Type A	Notice Type A
SPC-2	Notice Type B	Notice Type B
SPC-3	Notice Type C	Notice not required, see optional Notice Type D
SPC-4D	Notice Type C	Notice not required, see optional Notice Type D
SPC-4	Notice Type C	Notice not required, see optional Notice Type D
SPC-5	Notice Type C	Notice not required, see optional Notice Type E

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Notice Type A:

"The State of California has determined that this hospital building does not meet seismic safety standards. This building may jeopardize life and is a danger to the public in an earthquake."

Notice Type B:

"The State of California has determined that this building does not significantly jeopardize life, but may not be repairable or functional following an earthquake."

Notice Type C:

"The State of California has determined that the hospital building is at risk of not being functional to provide care to its patients or the community after an earthquake."

Notice Type D:

"The State of California has determined that the hospital building meets seismic safety standards, but the hospital building may not be functional to provide care to its patients or the community after an earthquake."

Notice Type E:

"The State of California has determined that the hospital building meets seismic safety standards and designated this building as an Earthquake Resilient Building."

1.12 Annual status update reporting. On or before January 1, 2024, and annually thereafter, the owner of an acute care inpatient hospital that includes a general acute care building that is not SPC-3/NPC-5, SPC-4D/NPC-5, SPC-4/NPC-5, or SPC-5/NPC-5 shall provide an annual status update on the Structural Performance Category ratings of the buildings and the services provided in each hospital building on the hospital campus to all of the following entities:

1. The county board of supervisors in whose jurisdiction the hospital building is located.
2. The city council in whose jurisdiction the hospital building is located, if applicable.
3. Any labor union representing workers who work in a general acute care building that is not SPC-3/NPC-5, SPC-4D/NPC-5, SPC-4/NPC-5, or SPC-5/NPC-5.
4. The board of directors of the special district or joint powers agency that provides fire and emergency medical services in the jurisdiction in which the hospital building is located, if applicable.
5. The department.
6. The board of directors of the hospital.
7. The local office of emergency services or the equivalent agency.
8. The Office of Emergency Services.
9. The medical health operational area coordinator.

ARTICLE 2—PROCEDURES FOR STRUCTURAL EVALUATION OF BUILDINGS

2.0 General.

2.0.1 Structural evaluation procedure.

1. The structural evaluation process shall include the following steps:
   - 1.1 Site visit and data collection;
   - 1.2 Identification of building type;
   - 1.3 Completion of evaluation statements in appendix;
   - 1.4 Follow-up field work, if required;
   - 1.5 Follow-up analysis for "False" evaluation statements;
   - 1.6 Final evaluation for the building;
   - 1.7 Preparation of the evaluation report; and
   - 1.8 Submittal of evaluation report to OSHPD.
2. A general acute care hospital facility building may be exempted from a structural evaluation upon submittal of a written statement by the hospital owner to OSHPD certifying the following conditions:
   - 2.1 A conforming building as defined in Article 1, Section 1.2, may be placed into SPC 5 in accordance with Table 2.5.3 under the following circumstances:
     - (a) The building was designed and constructed to the 1989 or later edition of Part 2, Title 24, and
     - (b) If any portion of the structure, except for the penthouse, is of steel moment resisting frame construction (Building Type 3, or Building Type 4 or 6 with dual lateral system, as defined in Section 2.2.3) and the building permit was issued after October 25, 1994.
   - 2.2 All other conforming buildings as defined in Article 1, Section 1.2, may be placed into SPC 4 in accordance with Table 2.5.3, except those required by Section 4.2.10 to be placed in SPC 3 in accordance with Table 2.5.3, without the need for any structural evaluation.

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2.3 Nonconforming buildings as defined in Article 1, Section 1.2 may be placed into SPC 1 in accordance with Table 2.5.3 without any structural evaluation.

2.1 Site visit, evaluation and data collection procedures.

2.1.1 Site visit and evaluation.

1. The evaluator shall visit the building to observe and record the type, nature and physical condition of the structure.
2. The evaluator shall review an *Engineering Geological Report* on site geologic and seismic conditions. The report shall be prepared in accordance with Title 24, Section 1634A of 1995 *California Building Code* (CBC) or equivalent provision in later version of the CBC.

   Exceptions:

   1. Reports are not required for one-story, wood-frame and light steel-frame buildings of Type II or Type V construction and 4,000 square feet or less in floor area;
   2. A previous report for a specific site may be resubmitted, provided that a reevaluation is made and the report is found by the Office to be currently appropriate.
   3. Establish the following *site and soil parameters:*
      a. The value of the effective peak acceleration coefficient (A_a) from Figures 2.1 and 2.1a;
      b. The value of the effective peak velocity-related acceleration coefficient (A_v) from Figures 2.1 and 2.1a;
      c. The soil profile type (S_1, S_2, S_3 or S_4) derived from the geotechnical report or from Table 2.1;
      d. The site coefficient, (S), from Table 2.1; and
      e. The ground motion parameters and near field effects in strong ground shaking required for the evaluation of welded steel moment frame structures in accordance with Sections 4.2.0.1, 4.2.0.2 and 4.2.10.

TABLE 2.1—SOIL PROFILE TYPES AND SITE COEFFICIENTS

SOIL PROFILE TYPE	PROFILE WITH	SITE COEFFICIENT, *S*
S_1	Rock of any characteristic, either shalelike or crystalline in nature. Such material may be characterized by a shear wave velocity greater than 2,500 feet per second or by other appropriate means of classification.	1.0
	or	
	Stiff soil conditions where the soil depth is less than 200 feet and the soil types overlying rock are stable deposits of sands, gravels or stiff clays.	
S_2	Deep cohesionless or stiff clay conditions, including sites where the soil depth exceeds 200 feet and the soil types overlying rock are stable deposits of sands, gravels or stiff clays.	1.2
S_3	Soft- to medium-stiff clays and sands characterized by 30 feet or more of soft- to medium-stiff clays with or without intervening layers of sand or other cohesionless soils.	1.5
S_4	More than 70 feet of soft clays or silts characterized by a shear wave velocity less than 400 feet per second.	2.0

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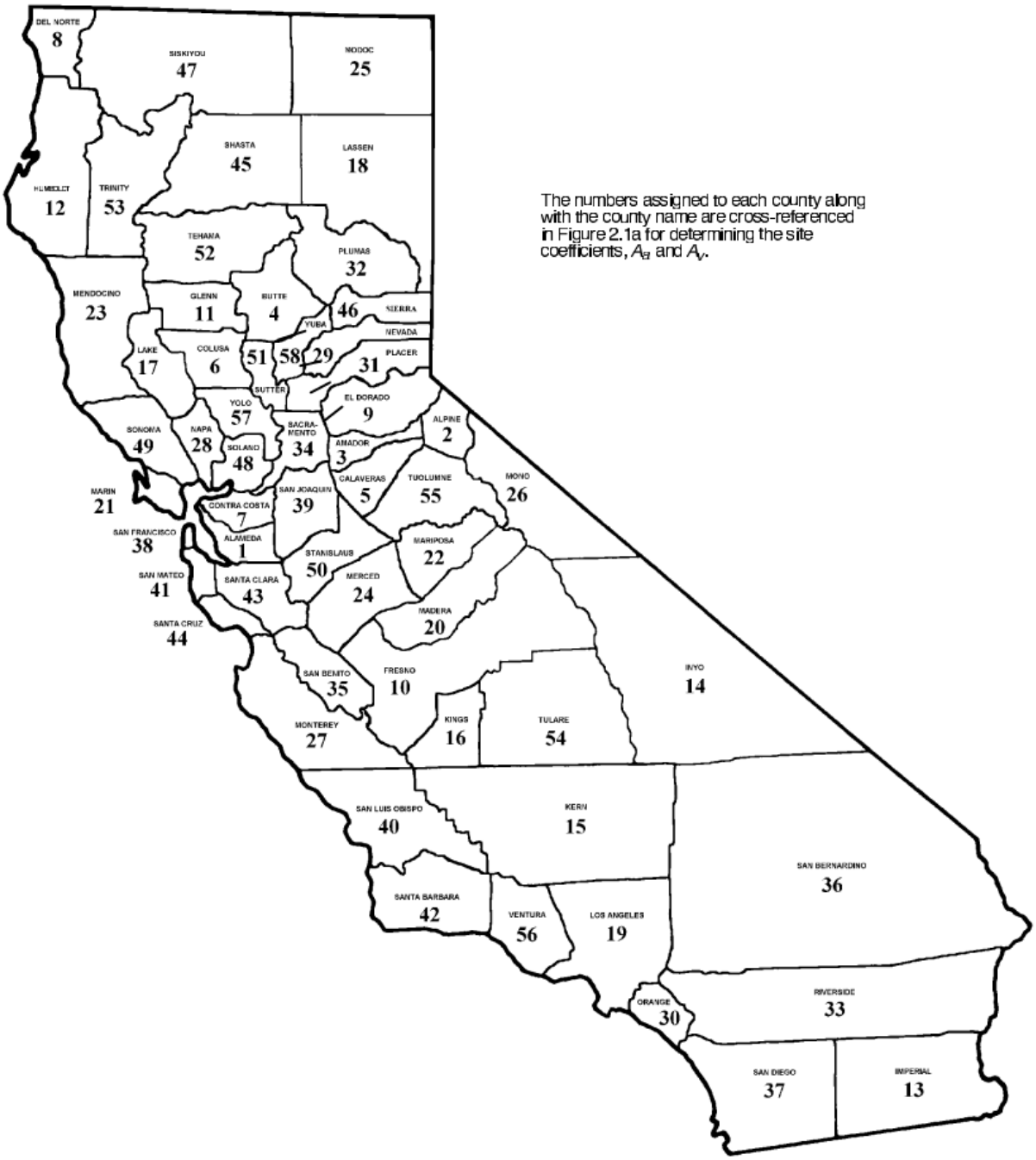
FIGURE 2.1



The numbers assigned to each county along with the county name are cross-referenced in Figure 2.1a for determining the site coefficients, A_a and A_v.

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FIGURE 2.1a—EFFECTIVE PEAK ACCELERATION COEFFICIENT (A_a) AND EFFECTIVE PEAK VELOCITY COEFFICIENT (A_v) FOR CALIFORNIA

No.	County	EPA A_a	EPV A_v		No.	County	EPA A_a	EPV A_v
1	Alameda	0.40	0.40		30	Orange	0.40	0.40
2	Alpine	0.20	0.20		31	Placer	0.20	0.20
3	Amador	0.20	0.20		32	Plumas	0.20	0.20
4	Butte	0.20	0.20		33	Riverside	0.40	0.40
5	Calaveras	0.20	0.20		34	Sacramento	0.20	0.30
6	Colusa	0.20	0.30		35	San Benito	0.40	0.40
7	Contra Costa	0.40	0.40		36	San Bernardino	0.40	0.40
8	Del Norte	0.20	0.20		37	San Diego	0.40	0.40
9	El Dorado	0.20	0.20		38	San Francisco	0.40	0.40
10	Fresno	0.40	0.40		39	San Joaquin	0.30	0.30
11	Glenn	0.20	0.20		40	San Luis Obispo	0.40	0.40
12	Humboldt	0.20	0.30		41	San Mateo	0.40	0.40
13	Imperial	0.40	0.40		42	Santa Barbara	0.40	0.40
14	Inyo	0.40	0.40		43	Santa Clara	0.40	0.40
15	Kern	0.40	0.40		44	Santa Cruz	0.40	0.40
16	Kings	0.40	0.40		45	Shasta	0.20	0.20
17	Lake	0.30	0.30		46	Sierra	0.20	0.20
18	Lassen	0.20	0.20		47	Siskiyou	0.20	0.20
19	Los Angeles	0.40	0.40		48	Solano	0.40	0.40
20	Madera	0.20	0.30		49	Sonoma	0.40	0.40
21	Marin	0.40	0.40		50	Stanislaus	0.40	0.40
22	Mariposa	0.20	0.20		51	Sutter	0.20	0.20
23	Mendocino	0.40	0.40		52	Tehama	0.20	0.20
24	Merced	0.40	0.40		53	Trinity	0.20	0.30
25	Modoc	0.20	0.20		54	Tulare	0.40	0.40
26	Mono	0.40	0.40		55	Tuolumne	0.20	0.20
27	Monterey	0.40	0.40		56	Ventura	0.40	0.40
28	Napa	0.40	0.40		57	Yolo	0.20	0.30
29	Nevada	0.20	0.20		58	Yuba	0.20	0.20

4. Assemble building design data including:
    a. Construction drawings, specifications and calculations for the original building (Note: when reviewing and making use of existing analyses and structural member checks, the evaluator shall assess and report the basis of the earlier work);
    b. All drawings, specifications and calculations for remodeling work; and
    c. Material tests and inspection reports for nonconforming buildings. If the original drawings are available, but material test and inspection reports are not available, perform the testing program as specified in Section 2.1.2.2.

    If structural drawings are not available, the site visit and evaluation shall be performed as described in Section 2.1.1.5, and structural data shall be collected using the procedures in Sections 2.1.2.1 and 2.1.2.2.
5. During the site visit, the evaluator shall:
    a. Verify existing data;
    b. Develop other needed data (e.g., measure and sketch building as outlined in Section 2.1.2);
    c. Verify the vertical and lateral systems;
    d. Check the condition of the building; and
    e. Identify special conditions, anomalies and oddities.
6. Review other data available such as assessments of building performance following past earthquakes.

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7. Prepare a summary of the data using an OSHPD- approved format.
8. Perform the evaluation using the procedures in Sections 2.2 through 2.5.
9. Prepare a report of the findings of the evaluation using an OSHPD-approved format.

2.1.2 Data collection. Building information pertinent to a structure's seismic performance, including condition, configuration, detailing, material strengths and foundation type, shall be obtained in accordance with this section, and documented on drawings and/or sketches that shall be included with the structural calculations.

Exception: Materials testing is not required for reclassification by the collapse probability assessment option as permitted by Section 1.4.5.1.2, where nonavailability of materials test is identified as a deficiency in accordance with Section *1.8.2.2(b).*

2.1.2.1 Building characteristics. Characteristics of the building relevant to its seismic performance shall be obtained for use in the building evaluation. This shall include current information on the building's condition, configuration, material strengths, detailing and foundation type. This data shall be obtained from:

1. Review of construction documents;
2. Destructive and nondestructive testing and examination of selected building components; and
3. Field observation of exposed conditions to verify that field conditions substantially match the construction documents in accordance with data collection requirements in the California Existing Building Code Section 303A.3.5.3, or equivalent provisions in later editions of the CEBC.

The characteristics of the building shall be established, including identification of the gravity- and lateral-load-carrying systems. The effective lateral-load carrying system may include structural and nonstructural elements that will participate in providing lateral resistance, although these elements may not have intended to provide lateral resistance. The load path shall be identified, taking into account the effects of any modifications, alterations or additions.

The owner or the owner's authorized agent shall submit the following to the office for review and approval:

1. Complete set of construction documents.
2. Field test report(s) in accordance with Section 2.1.2.2.
3. Field observation report, which shall verify that field conditions substantially match the construction documents.

2.1.2.1.1 Nonconforming buildings without construction documents. Where the available construction documents do not provide sufficient detail to characterize the structure, the evaluation may be based on field surveys, summarized in as-built drawings. These drawings must depict building dimensions, component sizes, reinforcing information (for concrete and masonry elements), connection details, footing information, and the proximity of neighboring structures. All parts of the building that may contribute to the seismic resistance or that may be affected by the seismic response of the structure must be identified. The field survey shall establish the physical existence of the structural members, and identify critical load bearing members, transfer mechanisms, and connections. The survey shall include information on the structural elements and connector materials and details. Performing the field survey will entail removal of fireproofing or concrete encasement at critical locations to permit direct visual inspection and measurement of elements and connections. Nondestructive techniques such as radiographic, electromagnetic and other methods may be used to supplement destructive techniques.

1. **Steel elements.** Steel elements shall be classified by structural member type (e.g., rolled or build-up, material grade, and general properties). The survey shall note the presence of degradation or indications of plastic deformation, integrity of surface coatings, and signs of any past movement. For degraded elements, the lost material thickness and reduction of cross-sectional area and moment of inertia shall be determined. Visual inspection of welds shall be per American Welding Society D1.1, "Structural Welding Code-Steel." Structural bolts shall be verified to be in proper configuration and tightened as required in the AISC Steel Construction Manual. Rivets shall also be verified to be in proper configuration and in full contact, with "hammer sounding" conducted on random rivets to ensure they are functional. Nondestructive testing methods, such as dye penetrant and magnetic particle testing, acoustic emission, radiography and ultrasound shall be used when visual inspection identifies degradation or when a particular element or connection is critical to seismic resistance and requires further verification. For buildings in which archaic cast and wrought irons are employed, additional investigations to confirm ductility and impact resistance shall be conducted.
2. **Concrete elements.** The configuration and dimensions of primary and secondary structural elements shall be established. The configuration and condition of reinforcing steel shall be assessed, through removal of concrete cover and direct visual inspection, and through nondestructive inspection using electromagnetic, radiographic and other methods. Critical parameters of the reinforcing system, such as lap splice length, presence of hooks, development within concrete, degree of corrosion and integrity of the construction shall be established in sufficient detail to perform the structural evaluation.
3. **Masonry elements.** The configuration and dimensions of masonry elements shall be established. The configuration and condition of reinforcing steel shall be assessed, through removal of masonry cover and direct visual inspection, and through nondestructive inspection using electromagnetic, radiographic and other methods. Critical parameters of the reinforcing system, such as lap splice length, presence of hooks, development within concrete, degree of corrosion and integrity of the construction shall be established in sufficient detail to perform the structural evaluation.
4. **Wood elements.** The configuration and dimensions of wood elements; the connections between wood elements; and the connections between wood and other structural components or elements such as concrete or masonry walls shall be established. The configuration and condition of wood members, including size, type, grade, condition and quality shall be assessed, through removal of finish materials, and examination of unfinished areas such as attics, crawl spaces and base-

ments. Critical connections and elements shall be visually inspected, using invasive procedures or removal of finishes where necessary. For shear walls, select locations shall be exposed to allow evaluation of sheathing material, nail size, spacing and installation (e.g., overdriven or nails that miss or split the framing members). The base connections of shear resisting elements shall be inspected and evaluated for their adequacy to connect the base of the structure to the foundation or structure below.

5. **Foundation elements.** In the absence of dependable construction drawings, determination of the size and detailing of the foundation system requires invasive procedures. The evaluator shall select representative footings for exposure to establish footing size and depth. Conservative assumptions regarding the reinforcement may be made considering code requirements and local practice at the time of the design. In the absence of evidence to the contrary, it may be assumed that the foundation elements were adequately designed to resist actual gravity loads to which the building has been subjected.

2.1.2.2 Material properties. The building evaluation shall be based on the strength and deformation properties of the existing materials and components. The strength of existing components shall be calculated using data on their configuration, obtained from the original construction documents, supplemented by field observations and the test values of material properties. Where such effects may have a deleterious effect on component or structural behavior, allowances shall be made for the likely effects of strain hardening or degradation. Test values may be obtained from samples extracted from the structure, or from original materials and compliance certificates. The Office will determine the adequacy of the *test results based upon the approved material* testing program.

The materials testing program shall require approval by the Office prior to testing. Prior to performing destructive materials test and nondestructive tests requiring modification to existing conditions, the owner or the owner's authorized agent shall obtain a building permit.

The materials testing shall be in accordance with the California Existing Building Code Section 303A.3.5.3, or equivalent provisions in later editions of the CEBC.

2.1.2.2.1 Nonconforming buildings with construction documents. The material properties for nonconforming buildings for which original construction documents of sufficient detail are available shall be confirmed by testing or from acceptable original materials and compliance certificates. If original materials and compliance certificates are available, they must provide the information specified in Items 1 through 4 of this section to be considered acceptable.

1. **Steel elements.** The following properties are required for each member type (e.g., beams, columns, braces) and each steel grade used in the structure:
   a) Ultimate tensile and yield capacities;
   b) Modulus of elasticity; and
   c) Deformation characteristics including mode of failure.
2. **Concrete elements.** The following material properties are required for each member type (e.g., beams, columns, walls) in the structure:
   a) Concrete compressive strength;
   b) Concrete unit weight;
   c) Concrete modulus of elasticity;
   d) Reinforcing steel tensile yield point;
   e) Reinforcing steel modulus of elasticity;
   f) Reinforcing steel chemical composition and carbon equivalent; and
   g) Reinforcing steel surface deformations.
3. **Masonry elements.** The following material properties are required for each type of masonry in the structure:
   a) Masonry compressive strength;
   b) Masonry unit weight;
   c) Masonry modulus of elasticity;
   d) Reinforcing steel tensile yield point;
   e) Reinforcing steel modulus of elasticity;
   f) Reinforcing steel chemical composition and carbon equivalent; and
   g) Reinforcing steel surface deformations.
4. **Wood elements.** The following material properties are required for each type of wood element in the structure:
   a) Identification of Wood Species, and
   b) Grade Material. (Note: This may be established by visual inspection or stamped labels on the element.)

2.1.2.2.2 Nonconforming buildings without construction documents. The material properties for nonconforming buildings for which original construction documents of sufficient detail are unavailable shall be confirmed by testing. The number and location of tests shall be selected so as to provide sufficient information to adequately define the existing condition of materials in the building. The evaluator shall determine the number and location of tests. The test locations shall be located throughout the entire building in those components which provide the primary path of lateral force resistance.

2.2 Selection and use of evaluation statements.

2.2.1 Identification of building type. The evaluator shall determine the building type using the following procedure:

1. Identify the lateral-force-resisting system using text and drawings, including whatever components are available and effective to constitute a system. Prepare floor and roof plans, and elevations and sketches of the lateral-force-resisting system.
2. Select one or more of the 15 common building types which best characterize the structure (see Sections 2.2.2 and 2.2.3 below). Structures with multiple lateral force resisting systems (different lateral systems in orthogonal directions, or structures where the system changes from level to level) may require the use of two or more building types. In the case of hybrid structures or other buildings that cannot be adequately classified using the 15 building types, the alternative analysis procedure shall be used, or the building shall be placed in SPC "1."
3. Reproduce from the Appendix the list of evaluation statements. These statements shall be used for all types of buildings. Some statements on the list may not be appropriate. These statements may be marked "NA" as "not applicable." The Appendix also contains the set of evaluation statements that address foundations and geologic site hazards, and nonstructural elements.

2.2.2 Using the general procedure. The general procedure involving use of the set of evaluation statements presented in the Appendix consists of the following steps:

1. Evaluate the basic building system according to the evaluation statements in Article 3;
2. Evaluate the vertical systems resisting lateral forces according to Article 4 (moment frames), Article 5 (shear walls) or Article 6 (braced frames) as appropriate. For buildings with a combination of vertical systems, each system in the building must be evaluated;
3. Evaluate the diaphragm or horizontal bracing system according to Article 7;
4. Evaluate the structural connections according to Article 8;
5. Evaluate the foundation and possible geologic site hazards according to Article 9;
6. Evaluate the nonstructural elements that involve immediate life safety issues according to Article 10; and
7. Evaluate the critical nonstructural components and systems according to Article 11.

If a statement is found to be true, the condition being evaluated is acceptable according to the criteria of these regulations, and the issue may be set aside. If a statement is found to be false, a condition exists that needs to be addressed further, using the specified analysis procedures. Analysis procedures are given in Section 2.4. Each statement includes a reference to a particular section in Articles 3 through 10 where additional procedures for the resolution of the issues are given. The evaluator shall assemble the list of deficiencies and the results of the analysis and proceed to the final evaluation in Section 2.5.

2.2.3 Common building types. The evaluator shall determine the type(s) of building being evaluated, choosing from among the following 15 common types:

1. **Building Type 1—Wood, light frame.** These buildings are typically small structures of one or more stories. The essential structural character of this type is repetitive framing by wood joists on wood studs. Loads are light and spans are small. These buildings may have relatively heavy chimneys and may be partially or fully covered with veneer. Lateral loads are transferred by diaphragms to shear walls. The diaphragms are roof panels and floors. Shear walls are exterior walls sheathed with plank siding, stucco, plywood, gypsum board, particle board or fiberboard. Interior partitions are sheathed with plaster or gypsum board.
2. **Building Type 2—Wood, commercial and industrial.** These are buildings with a floor area of 5,000 square feet or more and with few, if any, interior bearing walls. The essential structural character is framing by beams on columns. The beams may be glulam beams, steel beams or trusses. Lateral forces usually are resisted by wood diaphragms and exterior walls sheathed with plywood, stucco, plaster or other paneling. The walls may have rod bracing. Large exterior wall openings often require post-and-beam framing. Lateral force resistance on those lines may be achieved with steel rigid frames or diagonal bracing.
3. **Building Type 3—Steel moment frame.** These buildings have a frame of steel columns and beams. Lateral forces are resisted by the development of flexural forces in the beams and columns. In some cases, the beam-column connections have very small moment resisting capacity but, in other cases, the connections of some of the beams and columns were designed to fully develop the member capacities. Lateral loads are transferred by diaphragms to moment resisting frames. The diaphragms can be of almost any material. The frames develop their stiffness by full or partial moment connections. The frames can be located almost anywhere in the building. Usually the columns have their strong directions oriented so that some columns act primarily in one direction while the others act in the other direction, and the frames consist of lines of strong columns and their intervening beams.
4. **Building Type 4—Steel braced frame.** These buildings are similar to Type 3 buildings except that the vertical components of the lateral-force-resisting system are braced frames rather than moment frames.
5. **Building Type 5—Steel light frame.** These buildings are pre-engineered and prefabricated with transverse rigid frames. The roof and walls consist of lightweight panels. The frames are built in segments and assembled in the field with bolted joints. Lateral loads in the transverse direction are resisted by the rigid frames with loads distributed to them by shear elements. Loads in the longitudinal direction are resisted entirely by shear elements. The shear elements can be either the roof and wall sheathing panels, an independent system of tension-only rod bracing, or a combination of panels and bracing.

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6. **Building Type 6—Steel frame with concrete shear walls.** The shear walls in these buildings are cast-in-place concrete and may be bearing walls. The steel frame is designed for vertical loads only. Lateral loads are transferred by diaphragms of almost any material to the shear walls. The steel frame may provide a secondary lateral-force-resisting system depending on the stiffness of the frame and the moment capacity of the beam-column connections. In "dual" systems, the steel moment frames are designed to work together with the concrete shear walls in proportion to their relative rigidities. In this case, the walls would be evaluated under this building type and the frames would be evaluated under Type 3, Steel Moment Frames.
7. **Building Type 7—Steel frame with infill shear walls.** This is one of the older type of buildings. The infill walls usually are offset from the exterior frame members, wrap around them, and present a smooth masonry exterior with no indication of the frame. Solidly infilled masonry panels act as a diagonal compression strut between the intersections of the moment frame. If the walls do not fully engage the frame members (i.e., lie in the same plane), the diagonal compression struts will not develop. The peak strength of the diagonal strut is determined by the tensile stress capacity of the masonry panel. The post-cracking strength is determined by an analysis of a moment frame that is partially restrained by the cracked infill. The analysis shall be based on published research and shall treat the system as a composite of a frame and the infill. An analysis that attempts to treat the system as a frame and shear wall is not permitted.
8. **Building Type 8—Concrete moment frame.** These buildings are similar to Type 3 buildings except that the frames are of concrete. There is a large variety of frame systems. Older buildings may have frame beams that have broad shallow cross sections or are simply the column strips of flat-slabs.
9. **Building Type 9—Concrete shear walls.** The vertical components of the lateral-force-resisting system in these buildings are concrete shear walls that are usually bearing walls. In older buildings, the walls often are quite extensive and the wall stresses are low but reinforcing is light. Remodeling that entailed adding or enlarging the openings for windows and doors may critically alter the strength of the modified walls. In newer buildings, the shear walls often are limited in extent, generating the need for boundary members and additional design consideration of overturning forces.
10. **Building Type 10—Concrete frame with infill shear walls.** These buildings are similar to Type 7 buildings except that the frame is of reinforced concrete. The analysis of this building is similar to that recommended for Type 7 except that the shear strength of the concrete columns, after cracking of the infill, may limit the semiductile behavior of the system. Research that is specific to confinement of the infill by reinforced concrete frames shall be used for the analysis.
11. **Building Type 11—Precast/tilt-up concrete walls with lightweight flexible diaphragm.** These buildings have a wood or metal deck roof diaphragm that distributes lateral forces to precast concrete shear walls. The walls are thin but relatively heavy while the roofs are relatively light. Tilt-up buildings often have more than one story. Walls can have numerous openings for doors and windows of such size that the wall behaves more like a frame than a shear wall.
12. **Building Type 12—Precast concrete frames with concrete shear walls.** These buildings contain floor and roof diaphragms typically composed of precast concrete elements with or without cast-in-place concrete topping slabs. The diaphragms are supported by precast concrete girders and columns. The girders often bear on column corbels. Closure strips between precast floor elements and beam-column joints usually are cast-in-place concrete. Welded steel inserts often are used to interconnect precast elements. Lateral loads are resisted by precast or cast-in-place concrete shear walls.
13. **Building Type 13—Reinforced masonry bearing walls with wood or metal deck diaphragms.** These buildings have perimeter bearing walls of reinforced brick or concrete-block masonry. These walls are the vertical elements in the lateral-force-resisting system. The floors and roofs are framed either with wood joists and beams with plywood or straight or diagonal sheathing or with steel beams with metal deck with or without a concrete fill. Wood floor framing is supported by interior wood posts or steel columns; steel beams are supported by steel columns.
14. **Building Type 14—Reinforced masonry bearing walls with precast concrete diaphragms.** These buildings have bearing walls similar to those of Type 13 buildings, but the roof and floors are composed of precast concrete elements such as planks or tee-beams, and the precast roof and floor elements are supported on interior beams and columns of steel or concrete (cast-in-place or precast). The precast horizontal elements may have a cast-in-place topping.
15. **Building Type 15—Unreinforced masonry (URM) bearing wall buildings.** These buildings include structural elements that vary depending on the building's age and, to a lesser extent, its geographic location. In buildings built before 1900, the majority of floor and roof construction consists of wood sheathing supported by wood subframing. In large multistory buildings, the floors are cast-in-place concrete supported by the unreinforced masonry walls and/or steel or concrete interior framing. In buildings built after 1950, unreinforced masonry buildings with wood floors usually have plywood rather than board sheathing. The perimeter walls, and possibly some interior walls, are unreinforced masonry. The walls may or may not be anchored to the diaphragms. Ties between the walls and diaphragms are more common for the bearing walls than for walls that are parallel to the floor framing. Unreinforced masonry bearing wall buildings (TYPE 15) shall be assigned to SPC 1. No further analysis is required.

2.3 Follow-up field work. The first assessment of the evaluation statements may indicate a need for more information about the building. The evaluator shall make additional site visits, performing the necessary surveys and tests to complete the evaluation.

2.4 Analysis of the building. The general requirements for building analysis (including the determination of force level, horizontal distribution of lateral forces, accidental torsion, interstory drift and overturning) are summarized in this section. For cases where dynamic analysis is required, the general requirements are given in Section 2.4.10.

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2.4.1 Scope of analysis. When an evaluation statement is false and requires further analysis, the evaluator shall provide appropriate analyses that will cover the statement requirements. For the analysis, the evaluator will:

1. Calculate the building weights;
2. Calculate the building period;
3. Calculate the lateral force on the building;
4. Distribute the lateral force over the height of the building;
5. Calculate the story shears and overturning moments;
6. Distribute the story shears to the vertical resisting elements in proportion to their relative stiffness; and
7. Examine the individual elements as required by the evaluation statements:
    a. Load and reaction diagrams for diaphragms and for the vertical resisting elements;
    b. Shearing stresses and chord forces in the diaphragm;
    c. Vertical components (walls and frames) and find the story deflections, member forces and deflections; and
    d. Total forces or deflections according to the specified load combinations.

For moment frames consisting of beams and columns, the distribution of story shears to the vertical lateral-force-resisting elements in that story may be in proportion to their relative stiffness. In multistory frame-shear wall structures or in structures where the vertical resisting elements have significantly different lateral stiffnesses, or where the stiffnesses of the vertical resisting elements change significantly over the height of the structure, an analysis of the entire structure under the prescribed lateral loads shall be performed.

2.4.2 Demand. All building components evaluated shall resist the effects of the seismic forces prescribed herein and the effects of gravity loadings from dead, floor live and snow loads. The following load combinations shall be used:

$$Q = 1.1\ Q_D + Q_L + Q_S \pm Q_E \qquad (2\text{-}1)$$

or

$$Q = 0.9 Q_D \pm Q_E \qquad (2\text{-}2)$$

where:

Q = the effect of the combined loads.

Q_D = the effect of dead load.

Q_E = the effect of seismic forces.

Q_L = the effective live load is equal to 25 percent of the unreduced design live load but not less than the actual live load.

Q_S = the effective snow load is equal to either 70 percent of the full design snow load or, where conditions warrant and are approved by OSHPD, not less than 20 percent of the full design snow load except that, where the design snow load is less than 30 pounds per square foot, no part of the load need be included in seismic loading.

The seismic portion of the demand (Q_E) is obtained from analysis of the building using the seismic base shear (V) from Equation 2-3.

2.4.3 Seismic analysis of the building.

2.4.3.1 Base shear. The seismic base shear determined from Equation 2-3 is the basic seismic demand on the building. Element forces and deflections obtained from analysis based on this demand are the element demands (Q_E) to be used in the load combinations of Equations 2-1 and 2-2. The demands are modified in some cases as discussed in Section 2.4.11.

The seismic base shear (V) in a given direction shall be determined as follows:

$$V = C_s W \qquad (2\text{-}3)$$

where:

C_s = the seismic design coefficient determined by Equation 2-4 or 2-5.

W = the total dead load and applicable portions of the following:

- In storage and warehouse occupancies, a minimum of 25 percent of the floor live;
- Where an allowance for partition load is included in the floor load design, the actual partition weight or a minimum weight of 10 psf of floor area, whichever is greater;
- Total operating weight of all permanent equipment; and
- The effective snow load as defined in Section 2.4.2.

The seismic coefficient (C_s) for existing buildings shall be determined as follows:

$$C_s = 0.67\left(\frac{1.2A_V S}{RT^{2/3}}\right) = \frac{0.80A_V S}{RT^{2/3}} \qquad (2\text{-}4)$$

where:

A_V = the peak velocity-related acceleration coefficient given in Figures 2.1 and 2.1a.

R = a response modification coefficient from Table 2.4.3.1.

S = the site coefficient given in Table 2.1. In locations where the soil properties are not known in sufficient detail to determine the Soil Profile Type S_3 shall be used. Soil Profile Type S_4 need not be assumed unless OSHPD determines that Soil Profile Type S_4 may be present at the site, or in the event the Soil Profile Type S_4 is established by the geotechnical engineer.

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T = the fundamental period of the building.

The value of C_s need not be greater than:

$$C_s = 0.85\left(\frac{2.5A_a}{R}\right) = \frac{2.12A_a}{R} \qquad (2\text{-}5)$$

where:

A_a = the effective peak acceleration coefficient given in Figures 2.1 and 2.1a.

TABLE 2.4.3.1—RESPONSE COEFFICIENTS[1]

R	C_d	SYSTEM
		Bearing wall systems
6.5	4	Light-framed walls with shear panels
4.5	4	Reinforced concrete shear walls
3.5	3	Reinforced masonry shear walls
4	3.5	Concentrically braced frames
1.25	1.25	Unreinforced masonry shear walls
		Building frame systems
8	4	Eccentrically braced frames, moment-resisting connections at columns away from link
7	4	Eccentrically braced frames, nonmoment-resisting connections at columns away from link
7	4.5	Light-framed walls with shear panels
5	4.5	Concentrically braced frames
5.5	5	Reinforced concrete shear walls
4.5	4	Reinforced masonry shear walls
3.5	3	Tension-only braced frames
1.5	1.5	Unreinforced masonry shear walls
		Moment-resisting frame system
8	5.5	Special moment frames of steel
8	5.5	Special moment frames of reinforced concrete
4	3.5	Intermediate moment frames of reinforced concrete
4.5	4	Ordinary moment frames of steel
2	2	Ordinary moment frames of reinforced concrete
		Dual system with a special moment frame capable of resisting at least 25 percent of prescribed seismic forces. **Complementary seismic-resisting elements**
8	4	Eccentrically braced frames, moment-resisting connections at columns away from link
7	4	Eccentrically braced frames, nonmoment-resisting connections at columns away from link
6	5	Concentrically braced frames
8	6.5	Reinforced concrete shear walls
6.5	5.5	Reinforced masonry shear walls
8	5	Wood sheathed shear panels
		Dual system with an intermediate moment frame of reinforced concrete or an ordinary moment frame of steel capable of resisting at least 25 percent of prescribed seismic forces. **Complementary seismic-resisting elements**
5	4.5	Concentrically braced frames
6	5	Reinforced concrete shear walls
5	4.5	Reinforced masonry shear walls
7	4.5	Wood sheathed shear panels
		Inverted pendulum structures
2.5	2.5	Special moment frames of structural steel
2.5	2.5	Special moment frames of reinforced concrete
1.25	1.25	Ordinary moment frames of structural steel

1. Some building systems such as precast moment resisting frames are not listed in Table 2.4.3.1. When an unlisted building system must be evaluated, the evaluator shall perform an alternate analysis per Section 2.7 or place the building in SPC 1.

TABLE 2.4.3.2—COEFFICIENT FOR UPPER LIMIT ON CALCULATED PERIOD

A_v	C_a
0.4	1.2
0.3	1.3
0.2	1.4

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2.4.3.2 Period. For use in Equation 2-4, the value of T shall be calculated using one of the following methods:

Method 1. The value of T may be taken to be equal to the approximate fundamental period of the building (T_a) determined as follows:

a. For buildings in which the lateral-force-resisting system consists of moment-resisting frames capable of resisting 100 percent of the required lateral force and such frames are not enclosed or adjoined by more rigid components tending to prevent the frames from deflecting when subjected to seismic forces:

$$T_a = C_T h_n^{3/4} \qquad (2\text{-}6a)$$

where:

C_T = 0.035 for steel frames.

C_T = 0.030 for concrete frames.

h_n = the height in feet above the base to the highest level of the building.

b. As an alternate for concrete and steel moment-resisting-frame buildings of 12 stories or fewer with a minimum story height of 10 feet, the equation $T_a = 0.10N$, where N = the number of stories, may be used in lieu of Equation 2-6a.

c. For all other buildings,

$$T_a = \frac{0.05 h_n}{\sqrt{L}} \qquad (2\text{-}6b)$$

where:

L = the overall length (in feet) of the building at the base in the direction under consideration.

Method 2. The fundamental period T may be estimated using the structural properties and deformational characteristics of the resisting elements in a properly substantiated analysis. This requirement may be satisfied by using the following equation:

$$T = 2\pi \sqrt{\frac{\Sigma(w_i d_i^2)}{g\Sigma(f_i d_i)}} \qquad (2\text{-}7)$$

The values of f_i represent any lateral force, associated with weights, w_i, distributed approximately in accordance with the principles of Equations 2-8, 2-9 and 2-10 or any other rational distribution. The elastic deflections, d_i, should be calculated using the applied lateral forces, f_i. The period used for computation of C_s shall not exceed $C_a T_a$, where C_a is given in Table 2.4.3.2.

2.4.3.3 Direction of seismic forces. Assume that seismic forces will come from any horizontal direction. The forces may be assumed to act nonconcurrently in the direction of each principal axis of the structure except as discussed in Section 2.4.3.5.

2.4.3.4 Uplift. The beneficial effects of uplift at the foundation soil level may be considered, using the alternative analysis procedure.

2.4.3.5 Orthogonal effects. The critical load effect due to direction of application of seismic forces on the building may be assumed to be satisfied if components and their foundations are designed for the following combination of prescribed loads: 100 percent of the forces for one direction plus 30 percent of the forces for the perpendicular direction. The combination requiring the maximum component strength should be used.

Exception: Diaphragms and components of the seismic resisting system utilized in only one of the two orthogonal directions need not be designed for the combined effects.

2.4.3.6 Combinations of structural systems. When combinations of structural systems are incorporated into the same structure, the following requirements shall be satisfied:

1. **Vertical combinations.**

   1.1 Structures not having the same structural system throughout their height shall be evaluated using the dynamic lateral force procedure.

   Exceptions:

   1. Structures five stories or less without stiffness and strength irregularities may be evaluated using the equivalent lateral force procedures; and
   2. Structures conforming to Section 2.4.3.6.2, below.

   1.2 A two-stage analysis may be used if a structure contains a relatively rigid base supporting a flexible upper portion and both portions considered separately can be classified as regular structures. The rigid base shall have a calculated natural period in each direction of not more than 0.06 seconds. The periods shall be evaluated using Eq. 2-7, or its equivalent, considering the total mass of the flexible upper portion concentrated at the top of the rigid base. The flexible upper portion shall be evaluated as a separate structure supported laterally by the rigid base. The rigid base shall be evaluated as a separate structure. The reactions of the flexible upper portion shall be applied at the top of the rigid base, amplified by the ratio of the R and C_d factors of the superstructure divided by those for the base structure. The values of R and C_d for the base structure shall be greater than or equal to those used for the superstructure. The total lateral force on the base shall include the forces determined for the base itself.

2. **Combinations along different axes.** If a building has a bearing wall system in only one direction, the value of R used for systems in the other direction shall not be greater than that used for the bearing wall system.

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2.4.3.7 Vertical distribution of forces. The lateral force (F_x), induced at any level, shall be determined as follows:

$$F_x = C_{vx}V \quad (2\text{-}8)$$

and

$$C_{vx} = \frac{w_x h_x^k}{\sum_{i=1}^{n} w_i h_i^k} \quad (2\text{-}9)$$

where:

C_{vx} = vertical distribution factor.

h_i and

h_x = the height (feet) from the base to Level I or x.

k = an exponent related to the building period as follows:

For buildings having a period of 0.5 second or less, $k = 1$.

For buildings having a period of 2.5 seconds or more, $k = 2$.

For buildings having a period between 0.5 and 2.5 seconds, k may be taken as 2 or may be determined by linear interpolation between 1 and 2.

V = total design lateral force or shear at the base of the building.

w_i and

w_x = the portion of the total gravity load of the building (W) located or assigned to Level I or x.

2.4.3.8 Horizontal distribution of shear. The story shear, (V_x), shall be distributed to the various vertical elements of the lateral-force-resisting system in proportion to their rigidities, considering the rigidity of the diaphragm.

2.4.3.9 Horizontal torsional moments. The increased shears resulting from horizontal torsion where diaphragms have the capability to transmit that torsion shall be evaluated. The accidental torsional moment shall be determined assuming displacements of the centers of mass each way from their calculated locations. The minimum assumed displacement of the center of mass at each level shall be five percent of the dimension at that level measured perpendicular to the direction of the applied force. For each element, the most severe loading shall be considered.

2.4.3.10 Overturning. Every structure shall be capable of resisting the overturning effects caused by earthquake forces specified. At any level, the overturning moments to be resisted shall be estimated using those seismic forces (F_t and F_x) that act on levels above the level under consideration. At any level, the incremental changes of the overturning moment shall be distributed to the various resisting elements in the same proportion as distribution of the horizontal shears to those elements. The foundations of buildings (but not the connection of the building to the foundation), except inverted pendulum structures, shall be evaluated for the foundation overturning design moment (M_f) at the foundation-soil interface determined using the overturning moment at the base with an overturning moment reduction factor of 0.75.

2.4.3.11 *P*-delta effects. The resulting member forces and moments and the story drifts induced by *P*-delta effects shall be considered in the evaluation of overall structural frame stability. *P*-delta need not be considered if the drift satisfies the "Quick Check for Drift" given in Section 2.4.7.

2.4.3.12 Foundations. The foundation shall be capable of transmitting the base shear and the overturning forces defined in this article from the structure into the supporting soil. The short-term dynamic nature of the loads may be taken into account in establishing the soil properties.

2.4.3.12.1 Soil capacities. The capacity of the foundation soil in bearing or the capacity of the soil interface between pile, pier or caisson and the soil shall be sufficient to support the structure with all prescribed loads, other than earthquake forces, taking due account of the settlement that the structure is capable of withstanding. For the load combination including earthquake, the soil capacities must be sufficient to resist loads at acceptable strains considering both the short time of loading and the dynamic properties of the soil. Allowable soil capacities multiplied by a factor of 2.0 may be used, except that values for sliding friction may not be increased.

2.4.3.12.2 Structural materials. The strength of concrete foundation components subjected to seismic forces alone or in combination with other prescribed loads and their detailing requirements shall be determined from the provisions of ACI 318. Reductions to foundation component capacities shall be made where components do not meet the requirements of ACI 318.

2.4.4 Deformation and drift. When deformations and drift limits need to be checked, such as for frames failing the "Quick Check of Drift" and slender seismic resisting systems of any type, compute the elastic deformations caused by the required forces and then multiply by the factor C_d to determine the total deformations. Interstory drifts shall not exceed $0.0133h_{sx}$, where h_{sx} is the story height below level x. For purposes of this drift analysis only, it is permissible to use the computed fundamental period (T) of the building without the upper bound limitation specified in Section 2.4.3.2 when determining drift level seismic design forces.

2.4.5 Demand on diaphragms. The deflection in the plane of the diaphragm shall not exceed the permissible deflection of the attached elements as determined by the evaluator. Permissible deflection permits the attached element to maintain its structural

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integrity under the individual loading and continue to support the prescribed loads without endangering the occupants of the building.

Floor and roof diaphragms shall be designed to resist a minimum force equal to $0.5A_v$ times the weight of the diaphragm and other elements attached to the building plus the portion of the seismic shear force at that level, (V_x), required to be transferred to the components of the vertical seismic-resisting system because of offsets or changes in stiffness of the vertical components above and below the diaphragm.

Diaphragms shall provide for both the shear and bending stresses resulting from these forces. Diaphragms shall have ties or struts to distribute the wall anchorage forces into the diaphragm as prescribed in Section 3.6.4 of the 1994 *NEHRP Recommended Provisions.*

2.4.6 Demand on parts and portions of the building. Parts and portions of structures and permanent nonstructural components and equipment supported by a structure and their attachments, as identified in the building evaluation procedures, shall be evaluated to verify that they are capable of resisting the seismic forces specified below. All attachments or appendages, including anchorages and required bracing, shall be evaluated for seismic forces. Nonrigid equipment, the structural failure of which would cause a life safety hazard, also shall be evaluated.

Each element or component evaluated shall be capable of resisting a total lateral seismic force, F_p, where:

$$F_p = 0.67(A_V C_C W_C) \qquad (2\text{-}10)$$

where:

A_v = the velocity-related acceleration coefficient given in Figures 2.1 and 2.1a.

C_c = a coefficient given in Table 2.4.6.

W_c = the weight of the element or component.

The NPC of the building shall be determined using the procedures in Article 11.

TABLE 2.4.6—SEISMIC COEFFICIENT, C_c

		C_c
Parts of structure	Walls: Unbraced (cantilevered parapets and walls) Other exterior walls at and above the ground floor All interior bearing and nonbearing walls and partitions	 2.4 0.9 0.9
	Masonry or concrete fences over 6 feet high	0.9
	Penthouse (except where framed by an extension of the building frame)	0.9
	Connections for prefabricated structural elements other than walls with force applied at the center of gravity	0.9
Nonstructural components	Exterior and interior ornamentations and appendages	2.4
	Chimneys, stacks, trussed towers and tanks: Supported on or projecting as an unbraced cantilever above the roof more than one-half its total height All others including those supported below the roof with unbraced projection above the roof less than one-half its height or braced or guyed to the structural frame at or above its center of mass	 2.4 0.9
	Mechanical, plumbing and electrical equipment	0.9
	Anchorage for suspended ceilings and light fixtures	0.9

2.4.7 Quick checks of strength and stiffness. Evaluation statements may require quick check estimates of the strength and stiffness of the building.

To check the average shear stress or drift for upper stories in addition to the first story, the story shear for an upper story may be approximated as follows:

$$v_j = \left(\frac{n+j}{n+1}\right)\left(\frac{W_j}{W}\right)1.2V \qquad (2\text{-}11)$$

where:

j = number of story level under consideration.

n = total number of stories above ground level.

V = base shear from Equation 2-3.

V_j = maximum story shear at story Level j.

W = total seismic dead load.

W_j = total seismic dead load of all stories above Level j (see Section 2.4.1).

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2.4.7.1 Story drift for moment frames. The following equation for the drift ratio is applicable only to regular, multistory, multibay frames with columns continuous top and bottom:

$$DR = \left(\frac{k_b + k_c}{K_b \bullet K_c}\right)\left(\frac{h}{12E}\right)V_c C_d \qquad (2\text{-}12)$$

where:

C_d = deflection amplification factor from Table 2.4.3.1.

DR = drift ratio = interstory displacement divided by interstory height.

E = modulus of elasticity (ksi).

h = story height (in.).

I = moment of inertia (in.^{4}).

$k_b = I/L$ for the beam.

$k_c = I/h$ for the column.

L = center-to-center length (in.).

V_c = shear in the column (kips).

For reinforced concrete frames, use appropriate cracked section properties pursuant to ACI 318-95 or later. For other configurations of frames, compute the drift ratio from the principles of structural mechanics.

2.4.7.2 Shearing stress in concrete frame columns. The equation for a quick estimate of the average shearing stress, (v_{avg}), in the columns of concrete frames is as follows:

$$v_{avg} = \left(\frac{n_c}{N_c - n_f}\right)\left(\frac{V_j}{A_c}\right) \qquad (2\text{-}13)$$

where:

A_c = summation of the cross-sectional area of all columns in the story under consideration.

n_c = total number of columns.

n_f = total number of frames in the direction of loading.

V_j = story shear from Equation 2-11.

Equation 2-13 assumes that nearly all of the columns in the frame have similar stiffness. For other configurations of frames, compute the shear stress in the concrete columns from the principles of structural mechanics.

2.4.7.3 Shearing stress in shear walls. The equation for a quick estimate of the average wall shear stress (v_{avg}) is as follows:

$$v_{avg} = \frac{V_j}{A_w} \qquad (2\text{-}14)$$

where:

A_w = summation of the horizontal cross-sectional area of all shear walls in the direction of loading. The wall area shall be reduced by the area of any openings. For masonry walls, use the net area. For wood-framed walls, use the length rather than the area.

V_j = story shear at the level under consideration determined from Equation 2-11.

The allowable stresses for the various types of shear wall building are given in Section 5.1 for concrete shear walls, Section 5.3 for reinforced masonry shear walls, Section 5.4 for unreinforced masonry shear walls and Section 5.6 for wood shear walls.

2.4.7.4 Diagonal bracing. The equation for a quick estimate of the average axial stress in the diagonal bracing (f_{br}) is as follows:

$$f_{br} = \left(\frac{V_j}{sN_{br}}\right)\left(\frac{L_{br}}{A_{br}}\right) \qquad (2\text{-}15)$$

where:

A_{br} = the average area of a diagonal brace (in.^{2}).

L_{br} = average length of the braces (ft).

N_{br} = number of braces in tension and compression if the braces are designed for compression; if not, use the number of braces in tension, if the braces are not designed for compression.

s = average span length of braced spans (ft).

V_j = maximum story shear at each level (kips).

2.4.8 Procedure for evaluating unreinforced masonry bearing wall buildings. Unreinforced masonry bearing wall buildings shall automatically be placed in SPC 1.

2.4.9 Element capacities. Calculate element capacities on the ultimate-strength basis of the 1994 *NEHRP Recommended Provisions.*

When calculating capacities of deteriorated or damaged elements, the evaluator shall make appropriate reductions in the material strength, the section properties and any other aspects of the capacity affected by the deterioration.

2.4.9.1 Wood. The basic document is Chapter 9 of the 1994 *NEHRP Recommended Provisions,* as modified in Section 5.6 of these regulations.

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2.4.9.2 Steel. The basic document is Chapter 5 of the 1994 *NEHRP Recommended Provisions*, as modified in Articles 4 and 6 of these regulations.

2.4.9.3 Concrete. The basic document is ACI 318-89. Because this document is on an ultimate-strength basis, the 1994 *NEHRP Recommended Provisions* specifies special load factors that include the factor of 1.0 for earthquake effects (see Equations 2-1 and 2-2).

2.4.9.4 Masonry. The basic document is Chapter 8 of the 1994 *NEHRP Recommended Provisions,* as modified in Article 5 of these regulations.

2.4.10 Dynamic analysis. Unless otherwise noted, the procedures given in Articles 3 through 10 use the equivalent lateral force procedure. The use of a dynamic analysis procedure is required for the following:

1) Buildings 240 feet or more in height;
2) Buildings with vertical irregularities caused by significant mass or geometric irregularities;
3) Buildings where the distribution of the lateral forces departs from that assumed in the equivalent lateral force procedure; and
4) Where required by the evaluation statements in Articles 3 through 10.

Dynamic analysis procedures shall conform to the criteria established in this section. The analysis shall be based on an appropriate ground motion representation as specified in this section and shall be performed using accepted principles of dynamics. Structures that are evaluated in accordance with this section shall comply with all other applicable requirements.

2.4.10.1 Ground motion. The ground motion representation shall be an elastic response spectra developed for mean values for the specific site, in accordance with the procedures in Title 24, Section 1629A.2 of 1995 *California Building Code* (CBC) or equivalent provision in later version of the CBC.

2.4.10.2 Mathematical model. A mathematical model of the physical structure shall represent the spatial distribution of the mass and stiffness of the structure to calculate the significant features of its dynamic response. A three-dimensional model shall be used when the dynamic analysis involves a structure with an irregular plan configuration and rigid or semirigid diaphragms.

2.4.10.3 Analysis procedure.

2.4.10.3.1 Response spectrum analysis. An elastic dynamic analysis of a structure shall use the peak dynamic response of all modes having a significant contribution to total structural response. This requirement may be satisfied by demonstrating that for the modes considered, at least 90% of the participating mass of the structure is included in the calculation of response in each principal horizontal direction. Peak modal responses are calculated using the ordinates of the appropriate response spectrum curve that corresponds to the modal periods. Maximum modal contributions shall be combined in a statistical manner using recognized combination methods to obtain an approximate total structural response.

2.4.10.3.2 Scaling of results. When the base shear for a given direction is less than that required by the equivalent lateral force procedure, the base shear shall be increased to the value prescribed in that procedure. All corresponding response parameters, including deflections, member forces and moments, shall be increased proportionately.

When the base shear for a given direction is greater than that required by the equivalent lateral force procedure, the base shear may be decreased to the value prescribed in that procedure. All corresponding response parameters, including deflections, member forces, and moments, may be decreased proportionately.

2.4.10.3.3 Post-yield analyses. Post-yield analyses of a simplified model of the building may be made to estimate the nonlinear displacements of the structural system. If the analyses is made with a two-dimensional planar model, the additive torsional displacement shall be established through methods that are equivalent to those used for response spectra analyses.

The displacements or rotations of structural members estimated by the post-yield analysis shall be compared with relevant experimental data to determine the adequacy of the member or system.

2.4.10.4 Torsion. The analysis shall account for torsional effects, including accidental torsional effects, as prescribed in Section 2.4.3.9. Where three-dimensional models are used for analysis, effects of accidental torsion shall be accounted for by appropriate adjustments in the model such as adjustment of mass locations or by equivalent static procedures such as provided in Section 2.4.3.9.

2.4.11 Acceptance criteria. The elements to be analyzed are specified in the procedures given in Articles 3 through 10. The total demand, Q, is calculated by Equation 2-1 or 2-2 as modified below. The capacity, C, is calculated according to the procedures of Section 2.4.9. The basic acceptance criterion is:

$$Q \le C \qquad (2\text{-}17)$$

Where elements or portions of a lateral force resisting system are expected to behave in a less ductile manner than the system as a whole, the term Q_E in Equation 2-1 or 2-2 shall be modified or special calculations be made to account for the different failure modes of the various elements. Modification of Q_E, and special calculation procedures and when they shall be used, are described in Articles 3 through 8.

If all significant elements meet the basic acceptance criteria as specified herein, no further analysis is needed.

2.4.12 Assessment of element deficiencies. The result of the checks specified in Articles 3 through 10 will show whether or not the elements meet the requirements of the 1994 *NEHRP Recommended Provisions* as modified herein.

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For those elements not meeting the specified acceptance criteria, the relative hazard or seriousness of the deficiencies shall be assessed. Deficiencies shall be ranked according to:

1) Degrees of "overstress" (both total and seismic);
2) Element importance in the load path; and
3) Building, ductile and element stability.

2.5 Final evaluation.

2.5.1 Review the statements and responses. Upon completion of the analysis and field work, the evaluator shall review the evaluation statements and the responses to the statements to ensure that all of the concerns have been addressed.

2.5.2 Assemble and review the results of the procedures. Upon completion of the procedures given in Articles 3 through 10, the evaluator shall assemble and review the results.

2.5.2.1 *Q* versus *C*. The criterion $Q \leq C$ is an indication of whether an element meets the requirements of the 1994 *NEHRP Recommended Provisions* as modified for these regulations. However, because *Q* involves gravity effects, the ratio of *Q* to *C* for an element must be considered in light of the seismic demand versus capacity in order to fully determine the seriousness of the earthquake hazard.

2.5.2.2 D_E/C_E ratios. The severity of the deficiencies shall be assessed by listing the D_E/C_E ratios in descending order. The element with the largest value is the weakest link in the building. If the element can fail without jeopardizing the building, then the SPC may be based upon the element with the next lower ratio, and so on. Failure of an element will not jeopardize the building provided an alternate load path (neglecting the failed element) exists, and the vertical and lateral stability of the structure, or portions of the structure, is not impaired. The presence of an element with a D_E/C_E greater than one, where failure of that element will jeopardize the stability of the building or element, requires that nonconforming buildings be placed in SPC 1. For conforming buildings, see the appropriate evaluation statement.

2.5.2.3 Qualitative issues. Some of the procedures identify specific deficiencies without any calculation. These deficiencies will automatically place buildings in SPC 1, 3 or 4.

2.5.3 Final evaluation. The final evaluation will place the building in the appropriate the SPC (Table 2.5.3), based on a review of the qualitative and quantitative results of the procedures and the list of deficiencies. In general, an unmitigated "false" answer to an evaluation statement will lower the SPC of the Building. A "false" evaluation statement may be considered mitigated if the building, element or component is justified using the procedure outlined in the evaluation statement, or the effects of the condition are incorporated in the overall evaluation, as described in Section 2.5.2.2. Alternatively, the SPC rating of a building may be assigned by the Office on the basis of a collapse probability assessment performed in accordance with Section 1.4.5.1.2.

TABLE 2.5.3—STRUCTURAL PERFORMANCE CATEGORIES (SPC)

SPC	DESCRIPTION
SPC 1	Buildings posing significant risk of collapse and a danger to the public. These buildings must be brought up to the SPC 2 level by January 1, 2008, or be removed from acute care service. Where the Office has performed a collapse probability assessment, buildings with Probability of Collapse greater than 1.20% shall be placed in this category.
SPC 2	Buildings in compliance with the pre-1973 *California Building Standards Code* or other applicable standards, but not in compliance with the structural provisions of the Alquist Hospital Facilities Seismic Safety Act. These buildings do not significantly jeopardize life, but may not be repairable or functional following strong ground motion. These buildings must be brought into compliance with the structural provisions of the Alquist Hospital Facilities Seismic Safety Act, its regulations or its retrofit provisions by January 1, 2030, or be removed from acute care service. Where the Office has performed a collapse probability assessment, buildings with Probability of Collapse less than or equal to 1.20% shall be placed in this category.
SPC 3	Buildings in compliance with the structural provisions of the Alquist Hospital Facilities Seismic Safety Act, utilizing steel moment-resisting frames in regions of high seismicity as defined in Section 4.2.10 and constructed under a permit issued prior to October 25, 1994. These buildings may experience structural damage which does not significantly jeopardize life, but may not be repairable or functional following strong ground motion. Buildings in this category will have been constructed or reconstructed under a building permit obtained through OSHPD. These buildings may be used to January 1, 2030, and beyond.
SPC 4	Buildings in compliance with the structural provisions of the Alquist Hospital Facilities Seismic Safety Act, but may experience structural damage which may inhibit ability to provide services to the public following strong ground motion. Buildings in this category will have been constructed or reconstructed under a building permit obtained through OSHPD. These buildings may be used to January 1, 2030, and beyond.
SPC-4D	Nonconforming hospital buildings satisfying the requirements of Section 1.4.5.1.3 and the California Existing Building Code Sections 303A.3.4.5, 501A.3.1 and 501.A.3.2 or equivalent provisions in later editions of the CEBC. These buildings may experience structural damage which may inhibit ability to provide services to the public following strong ground motion. These buildings may be used to January 1, 2030 and beyond.
SPC 5	Buildings in compliance with the structural provisions of the Alquist Hospital Facilities Seismic Safety Act, and reasonably capable of providing services to the public following strong ground motion. Buildings in this category will have been constructed or reconstructed under a building permit obtained through OSHPD. These buildings may be used without restriction to January 1, 2030, and beyond.

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2.5.3.1 Conforming buildings. Conforming buildings, other than those of welded steel moment frame construction (Building Type 3 and possibly Building Types 4 and 6, if a dual system is present), without any unmitigated "false" evaluation statements shall be placed in SPC 5. Other conforming buildings shall be placed in the lowest SPC directed by the evaluation statements.

2.5.3.2 Nonconforming buildings. An unmitigated "False" answer to any evaluation statement shall result in nonconforming buildings being placed in SPC 1, unless directed otherwise by the procedures for that particular evaluation statement. All other nonconforming buildings shall be placed in SPC 2.

2.6 The final report. The report shall include the following elements:

1. A description of the building, including photographs, and sketches of the lateral-force-resisting system using an OSHPD approved format;
2. The set of statements from the Appendix, with a synopsis of the investigation and supporting calculations that were made;
3. A list of the deficiencies that must be remedied in order to change statement responses from false to true;
4. The SPC for the building, with comments on the relative importance of the deficiencies; and
5. The NPC for the building.

2.7 Alternative analysis. The owner of a building may elect to perform an Alternative Analysis, to evaluate a structure in more detail than that provided by the evaluation procedures specified in these regulations. The methodology of an Alternative Analysis must be approved in advance by OSHPD, and shall meet the following criteria:

1. Data collection on the structure and site conditions shall be performed in accordance with the appropriate Sections of Article 2 of these regulations. Depending upon the type of analysis to be performed, additional data regarding the as built condition and material properties may be required;
2. The analysis of the structure shall determine the distribution of strength and deformation demands produced by the design ground shaking and other seismic hazards. The analysis shall address seismic demands and capacities to resist these demands for all elements in the structure that either:
   - Are essential to the lateral stability of the structure (primary elements); or
   - Are essential to the vertical load-carrying integrity of the building.
3. The analysis procedure may consist of a linear or nonlinear analysis. The analytical methods and acceptance criteria shall conform to Chapters 3A, 4A and 5A of the *California Existing Building Code.*

ARTICLE 3—PROCEDURES FOR BUILDING SYSTEMS

3.0 Introduction. This article sets forth general requirements that apply to all buildings: load path, redundancy, configuration, adjacent buildings and the condition of the materials.

3.1 Load path. The structure contains a complete load path for seismic force effects from any horizontal direction that serves to transfer the inertial forces from the mass to the foundation.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The load path is the most essential requirement for a building. There must be a lateral-force-resisting system that forms a load path between the foundation and all diaphragm levels and that ties all of the portions of the building together. The load path must be complete and sufficiently strong.

3.2 Redundancy. The structure will remain laterally stable after the failure of any single element.

Check whether stability of the structure depends on a single element. If the failure of a single element (member or connection) will result in loss of lateral stability, the element shall be checked for adequacy using an amplification factor of $C_d/2$, but not less than 1.5. *P*-delta effects shall be included in this check.

3.3 Configuration. Vertical irregularities are defined in terms of discontinuities of strength, stiffness, geometry and mass.

Horizontal irregularities involve the horizontal distribution of lateral forces to the resisting frames or shear walls. Irregularities in the shape of the diaphragm itself (i.e., diaphragms that are L-shaped or have notches) are covered in Article 7.

3.3.1 Weak story. Visual observation or a Quick Check indicates that there are no significant strength discontinuities in any of the vertical elements in the lateral-force-resisting system; the story strength at any story is not less than 80 percent of the strength of the story above.

For buildings designed and constructed in accordance with the 1989 or later editions of Part 2, Title 24, the evaluator may consider this condition as mitigated, and no calculations are necessary. Check story strengths individually. Where a weak story exists, the resisting elements shall be checked; include *P*-delta effects and inelastic demand. To compensate for the concentration of inelastic action where the story strength of the weak story is less than 65 percent of the story above, amplify the design forces in the weak story by the factor $C_d/2$, but not less than 1.5. Conforming buildings which fail this check shall be placed in SPC 4.

3.3.2 Soft story. Visual observation or a Quick Check indicates that there are no significant stiffness discontinuities in any of the vertical elements in the lateral-force-resisting system; the lateral stiffness of a story is not less than 70 percent of that in the story above or less than 80 percent of the average stiffness of the three stories above.

For buildings designed and constructed in accordance with the 1989 or later editions of Part 2, Title 24, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the stiffness of certain portions of the building. Where a soft story condition is indicated, the stiffness of the building shall be calculated story by story, in order to deter-

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mine whether a story falls within the definition of a soft story. Where a soft story exists, the resisting elements shall be checked; include *P*-delta effects. For buildings more than 65 feet or five stories tall, a dynamic analysis shall be performed to compute the distribution of seismic forces.

3.3.3 Geometry. There are no significant geometrical irregularities; there are no setbacks (i.e., no changes in horizontal dimension of the lateral-force-resisting system of more than 30 percent in a story relative to the adjacent stories).

For buildings designed and constructed in accordance with the 1989 or later editions of Part 2, Title 24, the evaluator may consider this condition as mitigated, and no calculations are necessary. Where geometric irregularities exist, a dynamic analysis shall be performed to compute the vertical distribution of seismic forces.

3.3.4 Mass. There are no significant mass irregularities; there is no change of effective mass of more than 50 percent from one story to the next, excluding light roofs.

For buildings designed and constructed in accordance with the 1989 or later editions of Part 2, Title 24, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the distribution of mass in the building. The effective mass is the real mass consisting of the dead weight of the floor plus the actual weights of partitions and equipment. Where mass irregularities exist, a dynamic analysis shall be performed to compute the vertical distribution of seismic forces.

3.3.5 Vertical discontinuities. All shear walls, infilled walls and frames are continuous to the foundation.

For buildings designed and constructed in accordance with the 1989 or later editions of Part 2, Title 24, the evaluator may consider this condition as mitigated, and no calculations are necessary. The primary deficiency is in the strength of the columns that support the wall or frame. The secondary deficiency is in the strength of the connecting strut or diaphragm. Conforming buildings which fail these checks shall be placed in SPC 4.

Procedure for columns: Check the columns that support the upper vertical lateral load-resisting element for their capacity to support the gravity loads plus the overturning forces. The overturning forces shall be based on the design forces amplified by the factor C_d /2, but not less than 1.5, or on the capacity of the vertical lateral load-resisting element to resist lateral force if this is greater. The column check shall include *P*-delta effects.

Procedure for strut or diaphragm: Check the strut or diaphragm for its ability to transfer the load from the discontinuous element to the lower resisting element.

3.3.6 Torsion. The lateral-force-resisting elements form a well-balanced system that is not subject to significant torsion. Significant torsion will be taken as any condition where the distance between the story center of rigidity and the story center of mass is greater than 20 percent of the width of the structure in either major plan dimension.

For buildings designed and constructed in accordance with the 1989 or later editions of Part 2, Title 24, the evaluator may consider this condition as mitigated, and no calculations are necessary. One deficiency is in the layout and the strengths and stiffness of the walls and frames of the lateral-force-resisting system. Another deficiency is in the strength of columns that are not part of the lateral-force-resisting system but are forced to undergo displacements due to the rotation of the diaphragm. Verify the adequacy of the system by analyzing the torsional response using procedures that are appropriate for the relative rigidities of the diaphragms and the vertical resisting elements. Calculate the maximum story drift (the average building drift plus the additional displacement due to torsion). Verify that all vertical load-carrying elements can maintain their load-carrying ability under the expected drifts. When checking columns, include P-delta effects and consider inelastic demand. Conforming buildings which fail this check shall be placed in SPC 4.

3.4 Adjacent buildings. There is no immediately adjacent structure that is less than half as tall or has floors/levels that do not match those of the building being evaluated. A neighboring structure is considered to be “immediately adjacent” if it is within 2 inches times the number of stories away from the building being evaluated.

The deficiency is the distance between the buildings. Report the condition as a hazard. Where both buildings are designed and constructed in accordance with the 1989 or later editions of Part 2, Title 24, the evaluator may consider this condition as mitigated. Other conforming buildings which fail these checks shall be placed in SPC 4.

3.5 Deflection incompatibility. Column and beam assemblies that are not part of the lateral-force-resisting system (i.e., gravity load-resisting frames) are capable of accommodating imposed building drifts, including amplified drift caused by diaphragm deflections, without loss of vertical load-carrying capacity.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the ductility of the vertical load-carrying system. Calculate the expected drifts using the procedures in Section 2.4.4. Use net section properties for all reinforced concrete elements in the lateral-force-resisting system. Include the lateral displacements due to diaphragm deflections, using the diaphragm loading computed in Section 2.4.6. Evaluate the capacity of the nonlateral-force-resisting columns and beam assemblies to undergo the combined drift, considering moment-axial force interaction and column shear.

3.6 Short “captive” columns. There are no columns with height-to-depth ratios less than 75 percent of the nominal height-to-depth ratios of the typical columns at that level.

The deficiency is in the tendency of short captive columns to attract high shear forces because of their high stiffness relative to adjacent elements. Calculate the story drift, and determine the shear demand (V_e) in the short column caused by the drift ($V_e = 2M/L$). The ratio of V_e/V_n shall be less than one, where V_n is the column nominal shear capacity computed in accordance with ACI criteria. Conforming buildings which fail these checks shall be placed in SPC 4.

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3.7 Evaluation of materials and conditions.

3.7.1 Deterioration of wood. None of the wood members shows signs of decay, shrinkage, splitting, fire damage or sagging, and none of the metal accessories is deteriorated, broken or loose.

The deficiency is in the capacity of the deteriorated elements. Determine the cause and extent of damage. Identify the lateral-force-resisting system and determine the consequences of the damage to the system. The system shall be judged adequate if it can perform with the damaged elements. Check the structural systems with appropriate reductions in member properties.

3.7.2 Overdriven nails. There is no evidence of overdriven nails in the shear walls or diaphragms.

The deficiency is in the capacity of the fasteners. Check the wall demand and capacity, using reduced strength due to overdriven fasteners.

3.7.3 Deterioration of steel. There is no significant visible rusting, corrosion or other deterioration in any of the steel elements in the vertical- or lateral-force-resisting systems.

The deficiency is the reduction in cross-section of the elements. Check the structural systems with appropriate reductions in member properties. See Article 4 for inspection requirements for welded steel moment-resisting frame structures.

3.7.4 Deterioration of concrete. There is no visible deterioration of concrete or reinforcing steel in any of the frame elements.

The deficiency is the reduction in member properties. Check the structural systems with appropriate reductions in member capacities.

3.7.5 Post-tensioning anchors. There is no evidence of corrosion or spalling in the vicinity of post-tensioning or end fittings. Coil anchors have not been used.

The deficiency is the reduced area of the prestress strands and, with coil anchors, the ability of the anchorage to maintain its grip under cyclic loading. Inspect a sample of the concrete in the area of the anchorage to determine its condition. Determine the cause and extent of the deterioration. Consider the effects of anchorage failure on the vertical and lateral load-carrying capacity of the structure.

3.7.6 Concrete wall cracks. All diagonal cracks in the wall elements are 1.0 mm or less in width, are in isolated locations and do not form an X pattern.

The deficiency is the reduced capacity of the wall. Determine the cause and extent of the cracking. Check the structural systems with reduced wall capacity.

3.7.7 Cracks in boundary columns. There are no diagonal cracks wider than 1.0 mm in concrete columns that encase the masonry infills.

The deficiency is the reduced capacity of the wall. Evaluate the wall with limited capacity assigned to the deteriorated elements. Determine the cause and extent of the damage.

3.7.8 Precast concrete walls. There is no significant visible deterioration of concrete or reinforcing steel or evidence of distress, especially at the connections.

The deficiency is in the strength of the connections. Determine the cause and extent of distress and check the structural systems with appropriate reductions in capacity.

3.7.9 Masonry joints. The mortar cannot be easily scraped away from the joints by hand with a metal tool, and there are no significant areas of eroded mortar.

The deficiency is in the strength of the wall. Check the adequacy of the walls with the strength determined by tests. This evaluation statement also applies to masonry veneers present on the exterior or interior walls of the building.

3.7.10 Masonry units. There is no visible deterioration of large areas of masonry units.

The deficiency is in the strength of the units. Determine the cause and extent of deterioration and use reduced capacity in determining the adequacy of the units.

3.7.11 Cracks in infill walls. There are no diagonal cracks in the infilled walls that extend throughout a panel or are greater than 1.0 mm wide.

The deficiency is the reduced capacity of the wall. Determine the cause and extent of the cracking. If appropriate, check the structural systems with reduced wall capacity.

ARTICLE 4—PROCEDURES FOR MOMENT-RESISTING SYSTEMS

4.0 Introduction. Moment frames develop their resistance to lateral forces through the flexural strength and continuity of beam and column elements. Moment frames may be classified as special, intermediate and ordinary frames.

For evaluations using these regulations, it is not necessary to determine the type of frame in the building. The issues are addressed by appropriate acceptance criteria in the specified procedures. For determination of element capacities, see Article 2, Section 2.4.9.

4.1 Frames with infill walls.

4.1.1 Interfering walls. All infill walls placed in moment frames are isolated from structural elements.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is an inappropriate connection of the wall to the frame. Evaluate the relative strength and stiffness of the walls and frames,

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considering the nature and size of the joint or connection between the wall and the frame. If the strength of the walls is not commensurate with the stiffness, the building should be treated as Type 7 or Type 10 (Article 2, Section 2.2.3 "Common Building Types"), a frame with infill walls. If the infill walls do not extend the full story height and are not properly isolated from the frame columns, evaluate the column shear demand and capacity, based on a column height equal to the clear distance from the top of the wall to the bottom of the slab or beam above, amplifying the design forces in the short column by $C_d/2$, but not less than 1.5. The shear demand need not exceed the shear capacity corresponding to flexural capacity of the column, based on a column height equal to the clear distance from the top of the wall to the bottom of the slab or beam above.

4.2 Steel moment frames. Welded steel moment frames may be subject to detailed frame joint evaluation requirements, as outlined in this section. The purpose of this joint evaluation is to determine if the building has experienced joint damage in strong ground shaking.

4.2.0.1 Preliminary screening. All welded steel moment frame structures shall undergo a detailed frame joint evaluation if the building is located at a site that has experienced the following:

1. An earthquake of magnitude greater than or equal to 6.5 that produced ground motion in excess of 0.20 g; or
2. An earthquake that generated ground motion in excess of 0.30 g.

The ground motion estimates shall be based on actual instrumental recordings in the vicinity of the building. When such ground motion records are not available, ground motion estimates may be based on empirical or analytical techniques. All ground motion estimates shall reflect the site-specific soil conditions.

4.2.0.2 Additional indicators. A detailed frame joint evaluation of the building shall be performed if any of the following apply:

1. Significant structural damage is observed in one or more welded steel moment frame structures located within 1 km of the building on sites with similar, or more firm, soil properties;
2. An earthquake having a magnitude of 6.5 or greater, where the structure is located within 5 km of the trace of a surface rupture or within the vertical projection of the rupture area when no surface rupture has occurred;
3. Significant architectural or structural damage has been observed in the building following an earthquake; or
4. Entry to the building has been limited by the building official because of earthquake damage, regardless of the type or nature of the damage.

4.2.0.3 Connection inspections. Detailed frame joint evaluations shall be performed in accordance with the procedures in the *Interim Guidelines: Evaluation, Repair, Modification and Design of Welded Steel Moment Frame Structures*, FEMA 267, August 1995.

4.2.1 Drift check. The building satisfies the Quick Check of the frame drift.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. Check drift using the procedures in Section 2.4.7.1 against the prescribed limit. If the drift exceeds the limiting drift at any story level, the structure shall be evaluated with full-frame analysis using the anticipated distribution of lateral forces to the moment-resisting frames and including P-delta effects. Check the other statements using the demand from this analysis.

4.2.2 Compact members. All moment-frame elements meet the compact section requirements of the basic AISC documents.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the member capacities. Check member capacities, using member demands obtained from a frame analysis. Calculate member capacities using appropriate criteria for noncompact sections. Check the member capacities using appropriate *R* values (e.g., noncompact members require use of the *R* value for ordinary frames).

4.2.3 Beam penetrations. All openings in frame-beam webs have a depth less than one-fourth of the beam depth and are located in the center half of the beams.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the shear capacity of the beam. Check that the shear capacity of the beam is sufficient to develop the flexural plastic hinge. If the shear capacity is insufficient to develop the flexural capacity of the member, use the *R* value for ordinary frames.

4.2.4 Moment connections. All beam-column connections in the lateral-force-resisting moment frame have full-penetration flange welds and a bolted or welded web connection.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the strength of the connection. Check the connection on the basis of its strength. Check the member capacities using appropriate *R* values. Connections that do not develop the flexural capacity of the member require use of the *R* value for ordinary frames.

4.2.5 Column splices. All column splice details of the moment-resisting frames include connection of both flanges and the web.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the strength of the bolts or welds in the connection. Check the adequacy of the splice connection for all gravity and seismic loads. Amplify the seismic load for partial-penetration welded splices by the factor $C_d/2$.

4.2.6 Joint webs. All web thicknesses within joints of moment-resisting frames meet AISC criteria for web shear.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the strength of the web. Calculate the joint shear capacity using formulas given in the AISC provisions and compare it to the demand from an equivalent lateral force analysis or the average column shear, V_c, calculated for the Quick Check for drift.

4.2.7 Girder flange continuity plates. There are girder flange continuity plates at joints.

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For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the strength of the joint. Check joints without such plates using AISC provisions, using the *R* value for ordinary frames.

4.2.8 Strong column/weak beam. At least one half of the joints in each story are strong column/weak beam (33 percent on every line of moment frame). Roof joints need not be considered.

The deficiency is excessive ductility demand and displacement in a single story. Compare beam and column moment capacities, including the effect of axial force. The evaluator may consider this condition mitigated if the joints in the building meet the provisions of Section 2710(g)5 of the 1992 edition of Part 2, Title 24. Conforming buildings which do not meet those provisions shall be placed in SPC 4.

4.2.9 Out-of-plane bracing. Beam-column joints are braced out-of-plane.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the stability of the beam-column joint. Verify the joint bracing by visual observation.

4.2.10 Pre-Northridge earthquake welded moment frame joints. Welded steel moment frame beam-column joints are designed and constructed in accordance with recommendations in FEMA 267, *Interim Guidelines: Evaluation, Repair, Modification and Design of Welded Steel Moment Frame Structures,* August 1995.

For buildings constructed under permit issued after October 25, 1994, the evaluator may consider this condition as mitigated. The deficiency is in the ductility of the beam-column joint. The following procedures shall be used for categorizing buildings with welded steel moment frame joints.

Procedure for conforming buildings: Conforming buildings located in Seismic Zone 4 of 1995 *California Building Code* (CBC) or later version of the CBC, within a zone designated as being potentially subject to near field effects in strong ground shaking, shall be placed in SPC 3.

All other conforming buildings shall be placed in SPC 4.

Procedure for nonconforming buildings: Nonconforming buildings shall be placed in SPC 2.

4.3 Concrete moment frames. The details covered in evaluation statements in Sections 4.3.4 through 4.3.14 will be found in frames that have been designed and detailed for ductile behavior. If any one detail is not present, the frames are not considered to meet life-safety goals, and nonconforming buildings shall be placed in SPC 1. For conforming buildings, see the appropriate evaluation statement. For buildings designed and constructed in accordance with the 1989 or later editions of Part 2, Title 24, the building may assume "true" responses to all evaluation statements in this section.

4.3.1 Shearing stress check. The building satisfies the Quick Check of the average shearing stress in the columns.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. Perform a quick estimation of the average shearing stress in the columns according to the procedure specified in Section 2.4.7.2. If the average column shear stress is greater than 60 psi, a more detailed evaluation of the structure shall be performed. This evaluation shall employ a more accurate estimation of the level and distribution of the lateral loads; use the procedures outlined in Section 2.4.

4.3.2 Drift check. The building satisfies the Quick Check of story drift.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. Check drift using the procedures in Section 2.4.7.1 against the prescribed limit. If the drift exceeds the limiting drift at any story level, the structure shall be evaluated with full-frame analysis using the anticipated distribution of lateral forces to the moment-resisting frames and including *P*-delta effects as found in Section 2.4.1. Check the other statements using the demand from this analysis.

4.3.3 Prestressed frame elements. The lateral-load-resisting frames do not include any prestressed or post-tensioned elements.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the strength of the frames during inelastic straining. Check the capacity of the members and joints using all of the mild steel reinforcing that is available and bonded prestressing when appropriate. The *R* value used for evaluation shall reflect the ductility and damping of the system. Where better information is not available, multiply the *R* value selected on the basis of mild reinforcement by 0.75 to account for the effect of prestressing.

4.3.4 Joint eccentricity. There are no eccentricities larger than 20 percent of the smallest column plan dimension between girder and column centerlines.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the strength of the frame, either the members or the joints or both. Evaluate the frames considering the additional shear stresses caused by the joint torsion.

4.3.5 No shear failures. The shear capacity of frame members is greater than the moment capacity.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is inadequate shear capacity in the columns or beams. Compare V_e with the member shear capacity, ϕV_n, calculated in accordance with ACI 318 Appendix. The ratio $V_e / \phi V_n$ shall be less than or equal to 1.0.

4.3.6 Strong column/weak beam. The moment capacity of the columns is greater than that of the beams.

The deficiency is in column capacity. Compare the sum of the beam moment capacities to that of the column capacities. Include the participation of the slab in the beam capacities. The moment capacity to be compared is the plastic moment, M_{pr}. The ratio of the sum of the M_{pr} for the columns to the sum of the M_{pr} for the beams is required to be not less than 1.2. Conforming buildings which do not meet this criteria shall be placed in SPC 4.

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4.3.7 Stirrup and tie hooks. The beam stirrups and column ties are anchored into the member cores with hooks of 135 degrees or more.

The deficiency is in the shear resistance and confinement of the member. Determine if beam stirrups and column ties are appropriately anchored into member cores with hooks of 135 degrees or more. Conforming buildings which do not meet this criteria shall be placed in SPC 4.

4.3.8 Column-tie spacing. Frame columns have ties spaced at $d/4$ or less throughout their length and at 8 d_b, or less at all potential plastic hinge regions.

The deficiency is in the shear capacity of the column. Report this condition as a deficiency. Conforming buildings which do not meet this criteria shall be placed in SPC 4.

4.3.9 Column-bar splices. All column bar lap splice lengths are greater than 35 d_b, long and are enclosed by ties spaced at 8 d_b, or less.

The deficiency is in the strength and ductility of the column. Compare the splice length provided with that required by Sections 12.2 and 12.15 of the ACI 318 provisions. Conforming buildings which do not meet this criteria shall be placed in SPC 4.

4.3.10 Beam bars. At least two longitudinal top and two longitudinal bottom bars extend continuously throughout the length of each frame beam. At least 25 percent of the steel provided at the joints for either positive or negative moment is continuous throughout the members.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the strength and ductility of the beam. Determine if the required beam bars are present. For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary.

4.3.11 Beam-bar splices. The lap splices for longitudinal beam reinforcing are located within the center half of the member lengths and not in the vicinity of potential plastic hinges.

The deficiency is in the strength and ductility of the beam. Determine if the beam bar splices are detailed and located such that the yield capacity of the beam can be developed. Conforming buildings which do not meet this criteria shall be placed in SPC 4.

4.3.12 Stirrup spacing. All beams have stirrups spaced at $d/2$ or less throughout their length and at 8 d_b, or less at potential hinge locations.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the strength and ductility of the beam. Determine if the stirrups meet the specified spacing requirements, such that the yield capacity of the beam can be developed.

4.3.13 Beam truss bars. Bent-up longitudinal steel is not used for shear reinforcement.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the strength and ductility of the beam. Determine if bent-up shear reinforcement is present. If present, check the shear capacity of the element ignoring the effects of the bent-up longitudinal bars.

4.3.14 Joint reinforcing. Column ties extend at their typical spacing through all beam-column joints at exterior columns.

For buildings designed and constructed in accordance with the 1989 or later editions of Part 2, Title 24, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the strength and ductility of the beam-column joint. Calculate the joint capacity, V_e, and the joint shear, V_j. The joint shear is calculated at a horizontal section at mid-height of the joint. The horizontal shear at the critical section is obtained from summation of horizontal forces in a free-body diagram of the upper half of the joint as $V_j = (T_l + T_r) - V_e$ where T_l and T_r, the forces in the flexural tensile reinforcement in the beams on the left and right sides of the joint, respectively, are calculated assuming a steel stress equal to 1.25 fy. See Figure 4.3.14 for computation of V_e. The ratio V_j/V_e shall be less than or equal to 1. Conforming buildings which do not meet this criteria shall be placed in SPC 4.

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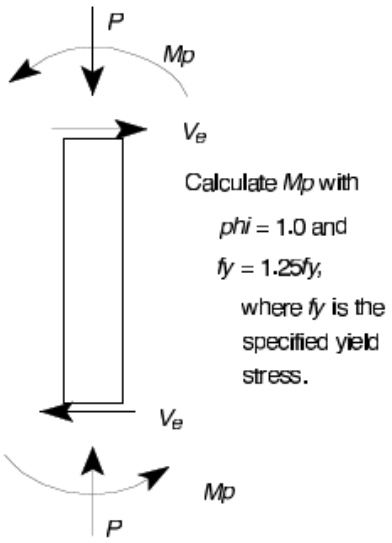
FIGURE 4.3.14—M_{pr} and V_e



4.3.15 Flat slab frames. The system is not a frame consisting of columns and a flat slab/plate without beams.

For buildings designed and constructed in accordance with the 1989 or later editions of Part 2, Title 24, the evaluator may consider this condition as mitigated, and no calculations are necessary. Perform a detailed analysis, or assign the building to SPC 1.

4.4 Precast concrete moment frames.

4.4.1 Precast frames. The lateral loads are not resisted by precast concrete frame elements.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the strength of the connections. Check the adequacy of the precast frames. Where lateral movement will cause strength capacities to be first exceeded at connections, use $R = C_d = 1.5$ unless there is information on connection behavior that justifies higher values. Where all yielding occurs within members, use the R-value for the appropriate cast-in-place frame.

4.4.2 Precast connections. For buildings with concrete shear walls, the connection between precast frame elements such as chords, ties and collectors in the lateral-force-resisting system can develop the capacity of the connected members.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the strength of the connections. Analyze the connections. Determine where connection failures would be brittle (e.g., pull-out of an embedded item would occur before yield of a mild steel element). Analyze structure for stability assuming that these brittle connections have failed or are not capable of transmitting forces, or check such connections for seismic force amplified by factor $C_d/2$, but not less than 1.5. For shear capacity, refer to Section 4.3. For flexure, find the path of forces from the element through the connection into the other element.

4.5 Frames not part of the lateral-force-resisting system. This section deals with frames that were not designed to be part of the lateral-force-resisting system. These are basic structural frames of steel or concrete that are designed for gravity loads with shear walls, bracing or moment frames providing the resistance to lateral forces.

If the primary lateral-force-resisting system consists of concrete walls (infilled in steel frames or monolithic in concrete frames), the building shall be treated as a concrete shear wall building (Type 6) with the frame columns as boundary elements. If the walls are masonry infills, the frames shall be treated as steel or concrete frames with infill walls of masonry (Type 7 or 10). Buildings with steel braces shall be treated as braced frame systems (Type 4). The principal deficiency identified in this section is loss of vertical-load-carrying capacity due to excessive deformations.

The analysis must include the deformations imposed by the infill walls, and the consequences of the failure of such walls.

4.5.1 Complete frames. The steel or concrete frames form a complete vertical load-carrying system.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. Check the shear walls or braced frames, including the effects of all dead and live loads, and note that the R values for buildings without a complete vertical load-carrying space frame are different from those for complete frame buildings. For wall systems, the frame is considered incomplete if the beams end at the edge of a shear wall that has no boundary columns or, if there are such columns, the beams do not continue across in the plane of the wall. For chevron-braced frame systems, the frame is considered incomplete if the beam in the brace frame cannot carry the design dead and live loads without the presence of the braces.

ARTICLE 5—PROCEDURES FOR SHEAR WALLS

5.0 Introduction. Shear walls have two aspects: carrying in-plane shear when the earthquake direction under consideration is parallel to the wall and resisting out-of-plane forces when the earthquake direction under consideration is perpendicular to the wall. The

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in-plane effects are covered in this article. Out-of-plane effects are covered in Article 8. All walls not structurally isolated are assumed to act as shear walls that will participate in resisting lateral forces up to their capacity.

5.1 Concrete shear walls.

5.1.1 Shearing stress check. The building satisfies the Quick Check of the shearing stress in the shear walls.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. Generate the lateral loads using the Quick Check procedure of Section 2.4.7.3. If v_{avg} is greater than 50 psi (or square root of f'_c if f'_c is known), a more detailed evaluation of the structure shall be performed. This evaluation shall employ a more accurate estimation of the level and distribution of the lateral loads, using the analysis procedures in Article 2.

5.1.2 Overturning. All shear walls have h_w/l_w ratios less than 4 to 1.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the required resistance to overturning moments. Calculate the resistance to the required overturning moments. The overturning resistance shall include the resistance contributed by wall flanges, friction on piling, earth over foundations, and floor and roof weights supported by the wall. The calculated resistance shall be greater than 0.75 times the base moment of the shear wall. The overturning resistance moment may be taken as the righting moment about an edge of the footing or the wall flexural capacity, whichever is less.

5.1.3 Coupling beams. The stirrups in all coupling beams are spaced at *d/2* or less and are anchored into the core with hooks of 135 degrees or more.

For buildings designed and constructed in accordance with the 1989 or later editions of Part 2, Title 24, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the strength of the coupling beams. Assume that the beams yield. Calculate their end-moment capacity based either on flexural yield or shear capacity, whichever is lower. The coupling beam moment capacity should include the contribution of a reasonable portion of the adjacent floor slab reinforcement when this reinforcement is in tension. Analyze the walls as independent walls with these restoring moments or shears helping to stabilize the walls. Check the stability of the wall and the stresses in the vertical boundaries. Conforming buildings which fail this check shall be placed in SPC 4, and no calculations are necessary.

5.1.4 Column splices. Steel column splice details in shear wall boundary elements can develop the tensile strength of the column.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the strength of the splice in the boundary column. Determine the maximum tensile column load in each case and verify the adequacy of the splice to resist this load, including gravity loads. Check the adequacy of the splice connection for all gravity and seismic loads. Amplify the seismic load for partial-penetration welded splices by the factor C_d /2, but not less than 1.5, when the seismic load produces tension at the splice.

5.1.5 Wall connections. There is positive connection between the shear walls and the steel beams and columns.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the adequacy of the connections between the shear wall and the beams and columns that are its boundary elements. Calculate the effective overturning demand for the walls and check the adequacy of the shear transfer to the steel elements. A value for shear friction between steel and concrete shall be included only if the steel element is completely encased with reinforced concrete.

5.1.6 Confinement reinforcing. For shear walls with h_w/l_w greater than 2.0, the boundary elements are confined with spirals or ties with spacing less then $8d_b$.

For buildings designed and constructed in accordance with the 1989 or later editions of Part 2, Title 24, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the ductility of the vertical boundary elements that are required to resist large axial forces. Check the need for boundary elements, per ACI 318. Where boundary elements are required but not provided, amplify the seismic forces for the entire structure by the factor 1.25 (and use $0.8C_d$ for drift calculation). Conforming buildings which fail this evaluation statement shall be placed in SPC 4, and no calculations are necessary.

5.1.7 Reinforcing steel. The total reinforcing steel for concrete walls is greater than 0.0025 times the gross area of the wall along both the longitudinal and transverse axes and the maximum spacing of reinforcing steel is 18 inches.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the quantity of reinforcing in the wall. Calculate the capacity of the walls with the reinforcing that is provided, but amplify the seismic forces by the factor 1.25 (and use $0.8C_d$ for drift calculation). Where the reinforcing in the wall is less than 0.0015 times the gross area of the wall along the longitudinal or transverse axis, or if the reinforcing steel spacing exceeds 18 inches, the contribution of the wall to lateral strength and stiffness of the building shall be ignored and, if it is a bearing wall, the building shall be placed in SPC 1.

5.1.8 Reinforcing at openings. There is special wall reinforcement around all openings.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the reinforcing in the piers and spandrels. Determine the capacity of the spandrels and piers considering all available reinforcing steel that crosses the critical sections.

5.2 Precast concrete shear walls. Shear walls of precast concrete are in segments that are tied together, but the connections may be of a brittle type. Connections adequate for design level forces may not be capable of developing the yield level capacity of the panels. The effects of the precast panel connections on the other evaluation statements concerned with wall elements shall be considered. The deficiency is in the quality and ductility of the connections.

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5.2.1 Panel-to-panel connections. Adjacent wall panels are not connected by welded steel inserts.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the strength of the inserts. Check the welded inserts. Determine where connection failures would be brittle (e.g., pull-out of an embedded item would occur before yield of a mild steel element). Analyze structure for stability assuming that these brittle connections have failed or are not capable of transmitting forces or check such connections for seismic force amplified by the factor $C_d/2$, but not less than 1.5.

5.2.2 Wall openings. Openings constitute less than 75 percent of the length of any perimeter wall with the wall piers having h_w/l_w ratios of less than 2.0.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency may be in the strength of the panel connections or may be that the reinforced concrete elements actually behave like a moment frame and should be evaluated as such. Check the elements in the precast shear wall system. When large open areas exist, check the transfer of shear between the diaphragm and the wall. Compare the lateral displacements of the wall due to shear and flexure. If more than 50 percent of the total lateral displacement is due to flexure, or if the width of the wall piers is less than five times the thickness, analyze the wall as a moment frame.

5.2.3 Collectors. Wall elements with openings larger than a typical panel at a building corner are connected to the remainder of the wall with collector reinforcing.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the configuration of the wall or the diaphragm. Find an adequately strong path of forces. If none is found, report this as a deficiency.

5.3 Reinforced masonry shear walls.

5.3.1 Shearing stress check. The building satisfies the Quick Check of the shearing stress in the reinforced masonry shear walls.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. Generate the lateral loads using the Quick Check procedure of Section 2.4.7.3. If v_{avg} is greater than 15 psi, a more detailed evaluation of the structure shall be performed. This evaluation shall employ a more accurate estimation of the level and distribution of the lateral loads, using the analysis procedures in Article 2.

5.3.2 Reinforcing. The total vertical and horizontal reinforcing steel in reinforced masonry walls is greater than 0.002 times the gross area of the wall with a minimum of 0.0007 in either of the two directions, the spacing of reinforcing steel is less than 48 inches and all vertical bars extend to the top of the walls.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. If the quantity of wall reinforcing is less than the specified amounts, report this condition as a deficiency.

5.3.3 Reinforcing at openings. All wall openings that interrupt rebar have trim reinforcing on all sides.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the lack of reinforcing at the end of wall elements adjacent to openings and at the corners of walls. Check the wall using only the length of piers between reinforcing steel.

5.4 Unreinforced masonry shear walls. Unreinforced masonry bearing wall buildings are automatically classified as SPC 1, unless reclassification is permitted in accordance with Section 1.4.5.1.2. The following provisions apply to unreinforced masonry shear wall structures that also possess a complete vertical load-carrying space frame.

5.4.1 Shearing stress check.

The building satisfies the Quick Check of the shearing stress in the unreinforced masonry shear walls.

Generate the lateral loads using the Quick Check procedure of Section 2.4.7.3. The allowable stress (on the gross area) for solid brick masonry is 10 psi; for hollow unit masonry, 6 psi; and for grouted block masonry, 12.5 psi. If v_{avg} is greater than the allowable stress, an Alternative Analysis of the structure shall be performed, or the building shall be placed in SPC 1.

5.4.2 Masonry lay-up.

Filled collar joints of multiwythe masonry walls have negligible voids.

The deficiency is in the lay-up of the wall that left voids between the wythes. Investigate the lay-up. This can be done when masonry units are removed for strength tests. If voids are present, report this condition as a deficiency.

5.4.3 Proportions. The height/thickness ratio of the wall panels is as follows:

One-story building $h_w/t < 15$

Multistory building

Top story $h_w/t < 9$
Other stories $h_w/t < 13$

The deficiency is in the out-of-plane strength of the wall. Check the out-of-plane demand using the procedure for parts and portions of a building given in Section 2.4.6.

5.5 Unreinforced masonry infill walls in frames.

5.5.1 Proportions. The height/thickness ratio of the wall panels is as follows:

One-story building $h_w/t < 14$

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Multistory building

Top story $h_w / t < 9$
Other stories $h_w / t < 20$

The deficiency is in the out-of-plane strength of the wall. Check the out-of-plane demand using the procedure for parts and portions of a building given in Section 2.4.6.

5.5.2 Solid walls. The infill walls are not of cavity construction.

The deficiency is in the out-of-plane strength of the wall. If infill walls are of cavity construction, report this as a deficiency.

5.5.3 Infill walls. The infill walls are continuous to the soffits of the frame beams.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the strength of the columns. Check the shear capacity of the columns to develop opposing yield moments at top and bottom of the short free height or to resist required force amplified by the factor $C_d/2$, but not less than 1.5.

5.5.4 Wall connections. All infill panels are constructed to encompass the frames around their entire perimeter.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the connection of the infill panel to the frame. Determine the panel edge condition from available drawings or from field investigation. If the panels are not properly connected to the frame, report this condition as a deficiency.

5.6 Walls in wood frame buildings.

5.6.1 Shearing stress check. The building satisfies the Quick Check of the shearing stress in wood shear walls.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. Generate the lateral loads using the Quick Check procedure of Section 2.4.7.3 and compare to 400 pounds per foot of plywood wall or 50 pounds per foot of walls composed of gypsum board or other materials. If v_{avg} is greater than these values, a more detailed evaluation of the structure shall be performed. This evaluation shall employ a more accurate estimation of the level and distribution of the lateral loads using the analysis procedures in Article 2.

5.6.2 Openings. Walls with garage doors or other large openings are braced with plywood shear walls or are supported by adjacent construction through substantial positive ties.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the strength of the lateral-force-resisting system. Check the ability of the walls and diaphragms to control, through torsional capacity, displacements at walls with large openings. Check that the diaphragm is a complete system with chords and collectors provided to deliver the lateral loads as required.

5.6.3 Wall requirements. All walls supporting tributary area of 24 to 100 square feet per foot of wall are plywood sheathed with proper nailing or rod braced and have a height-to-depth (*H/D*) ratio of 1 to 1 or less or have properly detailed and constructed hold-downs.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the strength of the wall and/or in hold-downs to resist overturning forces. Check the walls using floor areas tributary to the walls. Check all portions of the load path to ensure proper force transfer.

5.6.4 Cripple walls. All exterior cripple walls below the first floor level are braced to the foundation with shear elements.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the shear strength of the cripple walls. Check all exterior cripple walls below the first floor level to ensure that they are braced to the foundation with shear elements.

5.6.5 Narrow shear walls. Narrow wood shear walls with an aspect ratio greater than 2 to 1 do not resist forces developed in the building.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the strength of the narrow walls. Determine the shear capacity of the wall and related overturning demand. This shear capacity and related overturning must be transferred to the foundation within allowable stresses.

5.6.6 Stucco (exterior plaster) shear walls. Multistory buildings do not rely on exterior stucco walls as the primary lateral-force-resisting system.

The deficiency is in the strength of the stucco walls. Inspect stucco-clad buildings to determine if there is a lateral system such as plywood or diagonal sheathing at all but the top floor. Where exterior plaster is present, verify that the wire reinforcing is attached directly to the wall framing and the wire is completely embedded into the plaster material. Conforming buildings which fail this check shall be placed into SPC 4.

5.6.7 Plaster or gypsum wallboard shear walls. Interior plaster or gypsum wallboard is not being used for shear walls in buildings over one story in height.

The deficiency is in the strength of the walls. Determine if there is a lateral system such as plywood or diagonal sheathing at all but the top floor. Multistory buildings shall not rely on interior plaster or gypsum wallboard walls as the primary lateral-force-resisting system. Conforming buildings which fail this check shall be placed into SPC 4.

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ARTICLE 6—PROCEDURES FOR BRACED FRAMES

6.0 Introduction. Braced frames develop their resistance to lateral forces by the bracing action of diagonal members. The braces induce forces in the associated beams and columns so that all work together like a truss with all members subjected to stresses that are primarily axial.

A **concentrically braced frame** has minor eccentricities in the joints of the frame that are accounted for in the design.

An **eccentrically braced frame** has elements that are strictly controlled to combine a stiffening effect due to the diagonal braces with yielding in the link beams. Eccentrically braced frames are present only in conforming buildings.

6.1 Concentrically braced frames.

6.1.1 Stress check. The building satisfies the Quick Check of the stress in the diagonals.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. Calculate the average axial stress in the diagonals using the procedures of Section 2.4.7.4. Increase the calculated stress to account for torsion, based on the amount of torsion (Section 3.3.6) present and the distance between braced frames. If the average stress exceeds 30 ksi, an accurate analysis of the stresses on the bracing elements shall be performed.

6.1.2 Stiffness of diagonals. All diagonal elements required to carry compression have *Kl/r* ratios less than 120.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the stiffness of the diagonals. Check the bracing elements, amplifying the seismic force by the factor 1.25.

6.1.3 Tension-only braces. Tension-only braces are not used as the primary diagonal bracing elements in structures over two stories in height.

The deficiency is in the strength of the braces. Check the braces. If they are tension-only, and the building is over two stories in height, place the building in SPC 1. Tension-only bracing of small penthouse structures may be reviewed using the procedures in Section 2.4.6. Conforming buildings which fail this check shall be placed in SPC 4.

6.1.4 Chevron bracing. The bracing system does not include chevron-, V-, or K-braced bays.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. Check all elements in the braced frames. For chevron- and V-braced frames, the beam shall be a single element that can carry the gravity loads without the intermediate support of the braces. Check the adequacy of the beam for the seismic forces amplified by $C_d/2$, but not less than 1.5. Consider the effect of buckling of a leg of chevron-bracing or V-bracing, including the continuity, strength, and bracing of the beams and the ability of the connection to permit buckling of the brace while not destroying the capacity for repeated cycles of loading. If K-bracing is used in buildings over two stories, amplify the seismic forces in the bracing and columns by the factor $C_d/2$, but not less than 1.5.

6.1.5 Concentric joints. All the diagonal braces frame into the beam-column joints concentrically.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the strength of the joints. Evaluate the consequence of the eccentricity on the member required to resist it. Evaluate the shear, bending and axial force requirements at the locations of eccentricities.

6.1.6 Connection strength. All the brace connections are able to develop the yield capacity of the diagonals.

The deficiency is in the strength of the connections. Check the connection strength. Use a demand value that develops the tensile capacity of the brace or is 1.25 times the required seismic force. If connections in a conforming building cannot develop the yield capacity of the brace and do not meet the requirements of Part 2, Title 24, Section 2211A.9.3 of 1995 *California Building Code* (CBC) or equivalent provision in later version of the CBC, the building shall be placed in SPC 4.

6.1.7 Column splices. All column splice details of the braced frames can develop the column yield capacity.

The deficiency is in the strength of the splice. Calculate the adequacy of the splice connection for all expected forces including gravity loads. Amplify the seismic load for partial penetration welded splices by the factor $C_d/2$ when the seismic load produces tension at the splice. If the column splice details in a conforming building cannot develop the yield capacity of the column and do not meet the requirements of Part 2, Title 24, Section 2211A.9.5 of 1995 *California Building Code* (CBC) or equivalent provision in later version of the CBC, the building shall be placed in SPC 4.

6.1.8 Concrete braced frames. None of the braces in the framing system are of reinforced concrete construction.

The deficiency is in the ductility of the braced frame. Report this condition as a deficiency, and place nonconforming buildings in SPC 1. Place conforming buildings in SPC 4.

6.2 Eccentrically braced frames.

6.2.1 Link beam location. The link beams are not connected to the columns.

The deficiency is in the ductility of the link beam-column connection. Report this condition and place the building in SPC 4.

ARTICLE 7—PROCEDURES FOR DIAPHRAGMS

7.0 Introduction. The diaphragm is the horizontal subsystem that distributes lateral load to the vertical subsystems (walls and frames) and that provides lateral support for walls and parapets.

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7.1 Diaphragms. Diaphragms are treated as horizontal beams. The floor (or roof), which is analogous to the web of a wide-flange beam, is assumed to carry the shear; the edge of the floor (or roof) or a spandrel, which is analogous to the flange, is assumed to carry the flexural stress.

7.1.1 Plan irregularities. There is significant tensile capacity at reentrant corners or other locations of plan irregularities.

For buildings designed and constructed in accordance with the 1989 or later editions of Part 2, Title 24, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the strength of the diaphragm in the vicinity of corners. Evaluate the chord/collector requirements at the reentrant corners and other locations of plan irregularities by applying the maximum of the diaphragm force and the calculated story force to a model of the isolated diaphragm. All elements that can contribute to the tensile capacity at the reentrant corner may be included with appropriate consideration given to gravity load stresses. Conforming buildings which fail this check shall be placed in SPC 4.

7.1.2 Cross ties. There are continuous cross ties between diaphragm chords.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the adequacy of the path for wall anchorage forces into the diaphragm. A cross tie is a beam or girder that spans the width of the diaphragm, accumulates the wall loads and transfers them, over the full depth of the diaphragms, into the next bay and on to the nearest shear wall or frame. Calculate the wall anchorage forces according to Section 2.4.5, and check that these forces can be developed, element by element, in the diaphragm.

7.1.3 Reinforcing at openings. There is reinforcing around all diaphragm openings larger than 50 percent of the building width in either major plan dimension.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the strength of the diaphragm in the vicinity of the openings. Check the adequacy of the diaphragm to transfer stresses around the opening.

7.1.4 Openings at shear walls. Diaphragm openings immediately adjacent to the shear walls constitute less than 25 percent of the wall length, and the available length appears sufficient.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the length of diaphragm needed to transfer shear to the wall or frame and to provide lateral support for the wall or frame.

Procedure for diaphragm shear: Verify that there is a path of forces and sufficient strength to deliver the diaphragm shear to the shear wall. The diaphragm shear is the demand.

Procedure for lateral support of the wall: Treat the wall as a portion of the building using F_p as the demand.

7.1.5 Openings at braced frames. Diaphragm openings immediately adjacent to the braced frames extend less than 25 percent of the length of the bracing.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is similar to that described above for openings at shear walls.

Procedure for diaphragm shear: Verify that there is a path of forces and sufficient strength to deliver the diaphragm shear to the braced frame. The diaphragm shear is the seismic demand.

Procedure for lateral support of the frame: Treat the frame as a portion of the building using F_p as the demand.

7.1.6 Openings at exterior masonry shear walls. Diaphragm openings immediately adjacent to exterior masonry walls are no more than 8 feet long.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is similar to that described above for openings at shear walls.

Procedure for diaphragm shear: Verify that there is a path of forces and sufficient strength to deliver the diaphragm shear to the shear wall. The diaphragm shear is the demand.

Procedure for lateral support of the wall: Treat the wall as a portion of the building using F_p as the demand.

7.2 Wood diaphragms.

7.2.1 Sheathing. None of the diaphragms consist of straight sheathing or have a span/depth ratio greater than 2 to 1.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the strength of the diaphragm. Analyze the wood diaphragm using the procedure given in Chapter 9 of the 1994 *NEHRP Recommended Provisions.*

7.2.2 Spans. All diaphragms with spans greater than 24 feet have plywood or diagonal sheathing. Structures in Building Type 2 may have rod-braced systems.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the strength and stiffness of the diaphragm. Evaluate the diaphragm stresses using the procedure given in Chapter 9 of the 1994 *NEHRP Recommended Provisions.* Also evaluate the deflections. A maximum displacement of 3 inches shall be acceptable. For horizontal bracing systems, see Section 7.5.

7.2.3 Unblocked diaphragms. Unblocked wood panel diaphragms consist of horizontal spans of less than 40 feet and have span/depth ratios less than or equal to 3 to 1.

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For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the strength of the diaphragm. Analyze the diaphragm using the 1994 *NEHRP Recommended Provisions* requirements for unblocked diaphragms.

7.2.4 Span/depth ratio. If the span/depth ratios of wood diaphragms are greater than 3 to 1, there are nonstructural walls connected to all diaphragm levels at less than 40-foot spacing.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the stiffness of the diaphragm. Analyze the wood diaphragm using the procedures given in Chapter 9 of the 1994 *NEHRP Recommended Provisions.*

7.2.5 Diaphragm continuity. None of the diaphragms are composed of split-level floors or, in wood commercial or industrial buildings, have expansion joints.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the strength of the diaphragm. Evaluate the building with proper recognition of the effects of the discontinuities.

7.2.6 Chord continuity. All chord elements are continuous, regardless of changes in roof elevation.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is the lack of a chord. Report the lack of a chord as a deficiency.

7.3 Metal deck diaphragms. Allowable values of metal deck diaphragms may be obtained from the manufacturer's approved data. The evaluator shall consider conditions that can weaken the diaphragm (i.e., troughs, gutters and recesses that have the effect of reducing the system to the bare deck or of creating a joint).

7.3.1 Deck topping. All metal deck roofs have a reinforced concrete topping slab.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the strength of the diaphragm. Evaluate the bare metal deck diaphragm using the procedure given in the 1994 *NEHRP Recommended Provisions* requirements.

7.3.2 Untopped diaphragms. Untopped metal deck diaphragms consist of horizontal spans of less than 40 feet and have span/depth ratios less than or equal to 3 to 1.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the strength of the diaphragm. Analyze the diaphragm using the procedure given in the 1994 *NEHRP Recommended Provisions* requirements.

7.4 Precast concrete diaphragms. Evaluation of precast concrete diaphragms and the connections between precast elements shall consider eccentricities, adequacy of welds and length of embedded bars. If a topping slab is provided, it shall be assumed to resist all of the shear.

7.4.1 Topping slab. Precast concrete diaphragm elements are interconnected by a reinforced concrete topping slab.

The deficiency is in the ability to transfer shear from one element to another. Check the slab element interconnection and check the lateral load capacity of the vertical elements that resist horizontal force. Where the capacity of the diaphragm is less than 150 percent of the sum of the load capacities of the vertical elements and where connections can allow the diaphragm to fail in a brittle manner, the R values used in computing the seismic demand shall be consistent with those for brittle systems (not to exceed $R = 2$). Conforming buildings without a reinforced concrete topping slab shall be placed in SPC 4.

7.4.2 Continuity of topping slab. The topping slab continues uninterrupted through the interior walls and into the exterior walls or is provided with dowels with a total area equal to the topping slab reinforcing.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is the abrupt loss of strength where the topping slab is interrupted. Evaluate the tension and shear demand due to diaphragm forces, including collector requirements, perpendicular-to-wall loads, or chord forces at re-entrant corners.

7.5 Horizontal bracing. Horizontal bracing forms a complete system of adequate capacity.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is an incomplete or inadequate horizontal bracing system. Evaluate the horizontal bracing system for completeness of the system and its ability to gather all tributary forces and deliver them to the walls or frames.

7.6 Other systems. The diaphragm system does not include thin planks and/or toppings of gypsum.

The deficiency is the inadequate capacity of the diaphragm. Conforming buildings with this condition shall be placed in SPC 4.

ARTICLE 8—PROCEDURES FOR CONNECTIONS

8.0 Introduction. The connections evaluated in this article are connections between:

- Framing members and walls;
- Diaphragms and walls or frames; and
- Walls or frames and foundations.

Connections between other structural members are discussed in the appropriate article.

8.1 Connection concerns. The evaluation of these specific connections involves review of:

- Lateral support of walls that are perpendicular to the direction of the earthquake ("normal walls");

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- Transfer of shear from diaphragms to shear walls and frames that are parallel to the direction of the earthquake;
- Anchorage of walls and columns to the foundations; and
- Interconnection of elements where failure of connections would jeopardize the system.

8.2 Anchorage for normal forces.

8.2.1 Wood ledgers. The connection between the wall panels and the diaphragm does not induce cross-grain bending or tension in the wood ledgers.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the strength of the wall-to-diaphragm connection. Report this condition as a deficiency.

8.2.2 Wall anchorage. Exterior concrete or masonry walls are anchored to each of the diaphragm levels for out-of-plane loads.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the strength of the wall-to-diaphragm connections. Check that the anchor provides a direct, positive connection between the wall and the diaphragm for forces perpendicular to the face of the wall. Evaluate the wall anchorage, treating the wall as a portion of the building, with F_p as the demand.

8.2.3 Masonry wall anchors. Wall anchorage connections are steel anchors or straps that are developed into the diaphragm.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the strength of the wall anchors. Evaluate the wall anchorage, treating the wall as a portion of the building, with F_p as the demand.

8.2.4 Anchor spacing. The anchors from the floor and roof systems into exterior masonry walls are spaced at 4 feet or less.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the strength or the number of the anchors. Evaluate the wall anchors, treating the wall as a portion of the building, with F_p as the demand.

8.2.5 Tilt-up walls. Precast bearing walls are connected to the diaphragms for out-of-plane loads; steel anchors or straps are embedded in the walls and developed into the diaphragm.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the strength of the wall anchors. Evaluate the wall anchorage, treating the load as a portion of the building, with F_p as the demand. Check the load path between the wall anchors and the diaphragm cross tie.

8.2.6 Panel-diaphragm connections. There are at least two anchors from each precast wall panel into the diaphragm elements.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the number of anchors. Report this condition as a deficiency.

8.2.7 Inadequate stiffness of wall anchors. Anchors of walls to wood structural elements are installed taut and are stiff enough to prevent movement between the wall and roof.

The deficiency is in the ability of the wall anchor to prevent separations between the wall and roof sheathing that may result in out-of-plane failure of the ledger support. Inspect all anchors to see that they do not have twists, kinks, offsets, or are otherwise installed so that some movement is required before the anchor becomes effective, and that this condition may lead to cross grain bending in the ledger. Conforming buildings which fail this check shall be placed in SPC 4.

8.3 Shear transfer.

8.3.1 Transfer to shear walls. Diaphragms have sufficient capacity and are connected for transfer of loads to the shear walls.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the capacity of the connection to transfer shear. Verify the adequacy of the available diaphragm capacity.

8.3.2 Transfer to steel frames. The method used to transfer diaphragm shears to the steel frames is approved for use under lateral loads.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the capacity of the connection to transfer shear. Evaluate the capacity of the load-transfer mechanism provided, using AISC design methods or approved manufacturer's data. Compare this capacity to the assumed lateral force distribution.

8.3.3 Topping slab to walls and frames. Reinforced concrete topping slabs that interconnect the precast concrete diaphragm elements are doweled into the shear wall or frame elements.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the capacity of the connection to transfer shear. Evaluate the capacity of the load-transfer mechanism provided. Compare this capacity to the assumed lateral force distribution.

8.4 Vertical components to foundations.

8.4.1 Steel columns. The columns in lateral-force-resisting frames are substantially anchored to the building foundation.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the strength of the connection between the frame and the foundation. Report this condition as a deficiency.

8.4.2 Concrete columns. All longitudinal column steel is doweled into the foundation.

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For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the strength of the connection between the column and the foundation. Report this condition as a deficiency.

8.4.3 Wood posts. There is positive connection of wood posts to the foundation and the elements being supported.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the strength of the connection between the post and the foundation. Report this condition as a deficiency.

8.4.4 Wall reinforcing. All vertical wall reinforcing is doweled into the foundation.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the strength of the connection between the wall and the foundation. Report this condition as a deficiency.

8.4.5 Shear-wall-boundary columns. The shear-wall columns are substantially anchored to the building foundation.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the strength of the connection between the shear-wall columns and the foundation. Report this condition as a deficiency.

8.4.6 Wall panels. The wall panels are connected to the foundation and/or ground floor slab with dowels equal to the vertical panel reinforcing.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the strength of the connection between the wall panel and the foundation. Report this condition as a deficiency.

8.4.7 Wood sills. All wall elements are bolted to the foundation sill at 6-foot spacing or less with proper edge and end distances for concrete and wood.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is in the strength of the connection between the wood sill and the foundation. Report this condition as a deficiency.

8.5 Interconnection of elements.

8.5.1 Girders. Girders supported by walls or pilasters have special ties to secure the anchor bolts.

The deficiency is in the strength of the pilaster at the girder anchorage. Report this condition as a deficiency. Conforming buildings that fail this check shall be placed in SPC 4.

8.5.2 Corbel bearing. If the frame girders bear on column corbels, the length of bearing is greater than 3 inches.

The deficiency is in the length of bearing. Calculate the inter-story drift. Judge the adequacy of the connections to retain their vertical load-carrying integrity at a maximum drift estimated to be equal to the drift calculated with the unreduced demand. Conforming buildings that fail this check shall be placed in SPC 4.

8.5.3 Corbel connections. The frame girders are not supported on corbels with welded elements.

The deficiency is in the strength of the connection. Check all welded connections that transfer lateral loads or are subject to frame action. Determine where connection failures would be brittle (e.g., pull-out of embedded item would occur before yield of mild steel element). Analyze structure for capacity without such connections or check such connections for seismic force amplified by factor $C_d/2$, but not less than 1.5. For connections that can allow the diaphragm to fail in a brittle manner, the R values used in computing the seismic demand shall be consistent with those for brittle systems (not to exceed $R = 2$). Conforming buildings that fail this check shall be placed in SPC 4.

8.6 Roof decking.

8.6.1 Light-gage metal, plastic or cementitious roof panels. All light-gage metal, plastic or cementitious roof panels are properly connected to the roof framing at not more than 12 inches on center.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is the lack of connection of sufficient strength between the roof panels and the framing elements. Report this condition as a deficiency.

8.6.2 Wall panels. All wall panels (metal, fiberglass or cementitious) are properly connected to the framing.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is the lack of connections of sufficient strength (to prevent a falling hazard) and flexibility (to allow for the relative displacements between the panel and the supporting frame). Report this condition as a deficiency.

ARTICLE 9—PROCEDURES FOR FOUNDATIONS AND GEOLOGIC SITE HAZARDS

9.0 Introduction. The seismic evaluation of an existing building shall include an examination of the building foundation, an assessment of the capability of the soil beneath the foundation to withstand the forces applied during an earthquake and an evaluation of any nearby geologic hazards that may affect the stability of the foundation.

9.1 Condition of foundations.

9.1.1 Foundation performance. The structure does not show evidence of excessive foundation movement such as settlement or heave that would affect its integrity or strength.

The deficiency is reduction of the integrity and strength of foundation elements by cracking, yielding, tipping or buckling of the foundation. Visually examine lower level walls, partitions, grade beams, visible footings, pile caps and the like for cracking, yielding, buckling and out-of-level conditions. Report evidence of movement as a deficiency.

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9.1.2 Deterioration. There is no evidence that foundation elements have deteriorated due to corrosion, sulphate attack, material breakdown or other reasons in a manner that would affect the integrity or strength of the structure.

The deficiency is weakening of the foundation due to deterioration, with the same consequences as discussed in Section 9.1.1. Determine if there is historical evidence in the local area of deterioration of the particular type of foundation elements in the building where site conditions are similar. Examine the visible foundation elements for evidence of loss of support as specified in Section 9.1.1.

9.2 Capacity of foundations.

9.2.1 Overturning. The ratio of the effective horizontal dimension, at the foundation level of the seismic-resisting system, to the building height (base/height) exceeds 1.4 A_v.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is the concentration of seismic inertial response into narrow elements by the seismic-resisting system, which may overcome the ability of the foundation elements, either structure or soil, to provide adequate resistance. For shallow foundations, evaluate the shear and moment capacity of the foundation elements for adequacy to resist calculated seismic forces. Evaluate the vertical bearing pressure of the soil under seismic loading conditions due to the total gravity and overturning loads and compare to two times the allowable static-bearing pressure. For deep foundations, evaluate the ultimate vertical capacity of the pile or pier under seismic loads. Compare the foundation capacity to the gravity loads plus the overturning loads.

9.2.2 Ties between foundation elements. Foundation ties adequate for seismic forces exist where footings, piles and piers are not restrained by beams, slabs, or competent soils or rock.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is the possibility of significant differential lateral deformations of the foundations. Evaluate the lateral restraint to seismic forces provided by the foundation materials or the structural ties. For shallow foundations, evaluate the horizontal capacity of the foundation soils under seismic loading conditions (the lateral resistance of the footings due to passive resistance on affected sides of the footings plus the friction on the base of the footings) and compare to the base shear of the building. In the evaluation of base friction, consideration shall be given to the effect of the vertical component of ground motion.

9.2.3 Load path at pile caps. The pile caps are capable of transferring overturning and lateral forces between the structure and individual piles in the pile cap.

The deficiency is insufficient capacity of the pile cap to transfer seismic forces from the superstructure to the individual piles. Check the moment and shear capacity to transfer uplift and lateral forces from the point of application on the pile cap to each pile. Conforming buildings which fail this check shall be placed in SPC 4.

9.2.4 Lateral force on deep foundations. Piles and piers are capable of transferring the lateral forces between the structure and the soil.

The deficiencies include inadequate flexural strength and ductility of piles or piers at the connection to the cap and the upper portion of the pile. Compare the maximum lateral resistance of soil against piles or piers and caps against the demand. For concrete piles, check for a minimal amount of longitudinal reinforcement in the upper portion of piles or piers and for hoops or ties immediately beneath the caps. Also check for confining transverse reinforcement wherever bending moments might be high, including changes in soil stiffness. Conforming buildings which fail this check shall be placed in SPC 4.

9.2.5 Pole buildings. Pole foundations have adequate embedment.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. The deficiency is inadequate strength of the pole foundation. Check lateral force resistance of embedded poles using conventional procedures, comparing with conventional allowable pressures times 1.5.

9.2.6 Sloping sites. The grade difference from one side of the building to another does not exceed one-half story.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. If this statement is false, include the horizontal force due to the grade difference, appropriately modified for seismic motions, with the seismic inertial force when checking sliding stability and the lateral-force-resisting system below grade.

9.3 Geologic site hazards. This section addresses geologic and local site conditions that can lead to building structural damage and threaten life safety in an earthquake. In the seismic evaluation of buildings for life-safety considerations, it will be necessary to investigate the site to establish that there are no geologic site hazards present or, if they are present, that their threat is not significant or is mitigated by the design. Requirements for engineering geologic reports are given in Section 2.1.2.

9.3.1 Liquefaction. Liquefaction susceptible, saturated, loose granular soils that could jeopardize the building's seismic performance do not exist in the foundation soils at depths within 50 feet under the building.

The deficiency is the potential for liquefaction that will result in vertical settlement and potential loss of foundation support for spread footings, or for lateral spreading of liquefied soils that can occur on nearly flat slopes and be detrimental to the foundation system. Evaluate the liquefaction potential and consequences of vertical settlement or lateral movement of the foundations. Conforming buildings which fail this check shall be placed in SPC 4.

9.3.2 Slope failure. The building site is sufficiently remote from potential earthquake-induced slope failures or rockfalls to be unaffected by such failures or is capable of accommodating small predicted movements without failure.

Evaluate the likely movements associated with seismically induced slope failures beneath, above or adjacent to the building and their effect on the structural integrity of the building. Conforming buildings which fail this check shall be placed in SPC 4.

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9.3.3 Surface fault rupture. Surface fault rupture and surface displacement at the building site are not anticipated.

Evaluate the proximity of known active faults to the building. If the potential for surface fault rupture and surface displacement at the building site is present, nonconforming buildings shall be placed in SPC 1. Conforming buildings which fail this check shall be placed in SPC 4.

ARTICLE 10—EVALUATION OF ELEMENTS THAT ARE NOT PART OF THE LATERAL-FORCE-RESISTING SYSTEM

10.0 Introduction. This article sets forth general requirements that apply to nonstructural elements related to life-safety issues. Article 11 addresses evaluation of critical nonstructural systems needed for continued hospital function following an earthquake, and assignment of buildings to Nonstructural Performance Categories.

The evaluation statements discussed in this article (and listed in the appendix) deal with life-safety concerns. Some of the statements can be answered directly. For others, further investigation will be required in accordance with evaluation procedures indicated in other articles of these regulations using seismic forces indicated in Section 2.4.6 and the appropriate C_c seismic coefficient given in Table 2.4.3.1. Also, the materials used in the nonstructural element and its connections must be considered.

10.1 Nonstructural walls. The term "nonstructural walls" refers to walls that are not part of the load-carrying system, but may become load bearing upon attachment and interaction with other elements. Evaluation must be made to determine if they are capable of resisting seismic forces required by Section 2.4.6 as well as the other requirements of these regulations.

10.1.1 Partitions.

10.1.1.1 Masonry partitions. There are no unbraced unreinforced masonry or hollow clay tile partitions in critical care areas, clinical laboratory service spaces, pharmaceutical service spaces, radiological service spaces, central and sterile supply areas, exit corridors, elevator shafts or stairwells.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. Check for the presence of support angles at floor and roof, and for spaces at the sides and top of the wall to provide for interaction of the structural system.

10.1.1.2 Structural separations. At structural separations, partitions in exit corridors have seismic or control joints.

Check that seismic and/or control joints have been provided at structural separations. Conforming buildings that fail this check shall be placed in SPC 4.

10.1.1.3 Partition bracing. In exit corridors, the tops of partitions that extend only to the ceiling line have lateral bracing.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. Partitions extending only to ceilings may overturn or buckle due to the lack of bracing.

10.1.2 Cladding and veneer. For conforming buildings, the evaluator may consider these conditions as mitigated, and no calculations are necessary. Exterior wall panels or cladding can fall if their connections to the building frames have insufficient strength and/or ductility.

10.1.2.1 Masonry veneer. Masonry veneer is connected to the back-up with corrosion-resistant ties spaced 24 inches on center maximum with at least one tie for every $2^2/_3$ square feet.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. Check for the presence of the required ties.

10.1.2.2 Cladding panels in moment frame buildings. For moment frame buildings of steel or concrete, panels are isolated from the structural frame to absorb predicted interstory drift without collapse.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. Check the ability of the cladding panels and their connections to tolerate the story drift computed in Section 2.4.4 without an anchorage failure.

10.1.2.3 Cladding panel connections. Where bearing connections are required, there are at least two bearing connections for each cladding panel and there are at least four connections for each cladding panel capable of resisting out-of-plane forces.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. Verify that an adequate number of the appropriate connection types are present for each cladding panel.

10.1.2.4 Cladding panel condition. Cladding panel connections appear to be installed properly. No connection element is severely deteriorated or corroded. There is no cracking in the panel materials indicative of substantial structural distress. There is no substantial damage to exterior cladding due to water leakage. There is no substantial damage to exterior wall cladding due to temperature movements.

Substantial deterioration can lead to loss of cladding elements or panels. Exterior walls shall be checked for deterioration. Damage due to corrosion, rotting, freezing or erosion can be concealed within the wall. Probe into the wall space, if necessary, for signs of water leakage at vulnerable interior spaces (e.g., around windows and at floor areas). Check elements that tie cladding to the backup structure and that tie the back-up structure to floor and roof slabs. Check exterior walls for cracking due to thermal movements. Check the cladding systems with appropriate reductions in member capacities. Conforming buildings that fail this check shall be placed in SPC 4.

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10.1.3 Metal stud back-up systems.

10.1.3.1 General. Additional steel studs frame window and door openings. Corrosion of veneer ties, tie screws, studs and stud tracks is minimal. Stud tracks are adequately fastened to the structural frame.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. Verify that adequate framing has been provided around openings in the exterior walls. Check the cladding systems with appropriate reductions in member capacities. Check the adequacy of the connection to the structural frame using the forces specified in Section 2.4.6.

10.1.3.2 Masonry veneer with stud back-up. Masonry veneer more than 30 feet above the ground is supported by shelf angles or other elements at each floor level. Masonry veneer is adequately anchored to the back-up at locations of through-wall flashing. Masonry veneer is connected to the back-up with corrosion-resistant ties spaced 24 inches on center maximum and with at least one tie for every $2^2/_3$ square feet.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. Check that adequate supports and ties are provided.

10.1.4 Masonry veneer with concrete block back-up.

10.1.4.1 General. The concrete block back-up qualifies as reinforced masonry.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. Verify that the concrete block back-up meets the requirements of Sections 5.3.2 and 5.3.3.

10.1.4.2 Masonry veneer support. Masonry veneer more than 30 feet above the ground is supported by shelf angles or other elements at each floor level. Masonry veneer is adequately anchored to the back-up at locations of through-wall flashing. Masonry veneer is connected to the back-up with corrosion-resistant ties spaced 24 inches on center maximum and with at least one tie for every $2^2/_3$ square feet. The concrete block back-up is positively anchored to the structural frame at 4-foot maximum intervals along the floors and roofs.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. Check that adequate supports and ties are provided.

10.1.5 Other veneer/panel systems.

10.1.5.1 Thin stone veneer panels. Stone anchorages are adequate for computed loads.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. There are no visible cracks or weak veins in the stone. Check the adequacy of the connection to the stone anchorage using the forces specified in Section 2.4.6.

10.1.5.2 Wood/aggregate panels. There is no visible deterioration of screws or wood at panel attachment points.

The deficiency is in the strength of the connections. Determine the cause and extent of distress and check the attachment of the panels with appropriate reductions in capacity. Conforming buildings that fail this check shall be placed in SPC 4.

10.1.6 Parapets, cornices, ornamentation and appendages. There are no laterally unsupported unreinforced masonry parapets or cornices above the highest anchorage level with height/ thickness ratios greater than 1.5. Concrete parapets with height/thickness ratios greater than 1.5 have vertical reinforcement. Cornices, parapets, signs and other appendages that extend above the highest anchorage level or cantilever from exterior wall faces and other exterior wall ornamentation are reinforced and well anchored to the structural system.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. If any of these items are of insufficient strength and/or are not securely attached to the structural elements, they may break off and fall, becoming significant life-safety hazards. Check the adequacy of these items using the forces specified in Section 2.4.6. The maximum height of an unbraced URM parapet shall be determined based on the height dimension measured above the lower of either the level of tension anchors or roof sheathing to the top of the wall parapet. The minimum height of a parapet above the wall anchor should be 12 inches.

Exception: If a reinforced concrete beam is provided at the top of the wall, the minimum height above the wall anchor may be 6 inches.

10.1.7 Means of egress. Canopies are anchored and braced to prevent collapse and blockage of building exits.

For conforming buildings, the evaluator may consider this condition as mitigated, and no calculations are necessary. Check canopies for the forces specified in Section 2.4.6.

ARTICLE 11—EVALUATION OF CRITICAL NONSTRUCTURAL COMPONENTS AND SYSTEMS

11.0 Introduction. This article covers nonstructural components and systems critical to patient care.

11.01 Nonstructural evaluation procedure.

1. The nonstructural performance evaluation shall examine the respective critical nonstructural systems and elements for the planned NPC as specified in Table 11.1, “Nonstructural Performance Categories.” The nonstructural evaluation process shall include the following steps:
    1. Site visit and data collection;
    2. Identification of building SPC;
    3. Identification of critical nonstructural systems for the planned NPC;

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4. Identification of critical care services housed in the building;
5. Final evaluation for the critical nonstructural elements and systems for the planned NPC;
6. Preparation of evaluation report; and
7. Submittal of evaluation report to OSHPD.

2. A general acute care hospital facility may be exempted from a nonstructural evaluation upon submittal of a written statement by the hospital owner to OSHPD certifying the following conditions:
   1. The building is designated "NPC 1" in conformance with Table 11.1 "Nonstructural Performance Categories," or
   2. The building is designated "NPC 4" in conformance with Table 11.1 "Nonstructural Performance Categories" and provided:
      a) The building was designed and constructed under a building permit issued by OSHPD;
      b) All subsequent repairs, remodels, additions and alterations were performed under a permit issued by OSHPD; and
      c) Fire sprinkler systems have been retrofitted in conformance with Table 11.1, "Non- structural Performance Categories."
   3. If a hospital owner elects to obtain a higher NPC at a future date, additional nonstructural evaluations as specified in Section 11.01.1 will be required.

      Exception: An engineering report may be submitted to the Office in lieu of the NPC 2 evaluation report required by Section 1.4.5.1.1 for nonstructural upgrades from NPC 1 to NPC 2, The engineering report shall comply with the following minimum requirements:
      1. The report shall be stamped and signed by a California licensed structural engineer certifying, in a form acceptable to the Office, compliance with the requirements of NPC 2.
      2. The report shall state that the systems and equipment listed in Table 11.1 for NPC 2 compliance either comply with or have been modified to comply with the requirements of Chapter 16A, 1995 *California Building Code* or equivalent provision in later version of the CBC.
      3. The report shall state what specific deficiencies have been addressed in the NPC 2 upgrade projects, and provide OSHPD project numbers for these projects.
      4. The report shall state that the corrective work required for NPC 2 compliance has been completed under permits issued by OSHPD.

      If the hospital owner or governing body has already submitted a revised or new NPC 2 evaluation report, and the Office has reviewed and made comments on this report, the engineering report shall include a statement that all comments pertaining to NPC 2 compliance in the OSHPD review have been resolved.
   4. If a hospital owner sells or leases the hospital to another party, a complete nonstructural evaluation and list of all nonstructural deficiencies to achieve NPC 5 shall be submitted to the Office prior to the completion of the sale or lease.

11.1 Nonstructural performance categories. Each building shall be assigned a Nonstructural Performance Category (NPC), based upon the degree of anchorage and bracing of selected nonstructural elements and systems. This includes architectural, mechanical, electrical and hospital equipment in addition to associated conduit, ductwork, piping and machinery. NPCs are defined in Table 11.1.

TABLE 11.1—NONSTRUCTURAL PERFORMANCE CATEGORIES

TIMEFRAMES	NONSTRUCTURAL PERFORMANCE CATEGORY[1]	DESCRIPTION
	NPC 1	Buildings with equipment and systems not meeting the bracing and anchorage requirements of any other NPC.
January 1, 2002	NPC 2	The following systems are braced or anchored in accordance with Part 2, Title 24:[1] • communications systems, • emergency power supply, • bulk medical gas systems, • fire alarm systems and • emergency lighting equipment and signs in the means of egress.

TABLE 11.1—NONSTRUCTURAL PERFORMANCE CATEGORIES—continued

TIMEFRAMES	NONSTRUCTURAL PERFORMANCE CATEGORY[1]	DESCRIPTION
January 1, 2024 (SDC F), January 1, 2030 (SDC D),	NPC 3	The building meets the criteria for NPC "2" and in critical care areas, clinical laboratory service spaces, pharmaceutical service spaces, radiological service spaces, and central and sterile supply areas, the following components meet the bracing and anchorage requirements of Part 2, Title 24:[2] • "Nonstructural components," listed in the 1995 CBC, Part 2, Title 24, Table 16A-0. **Exceptions:** 1. Lateral bracing of suspended ceiling systems may be omitted in rooms with a floor area less than 300 square feet, provided the room is not an intensive care or coronary care unit patient room, angiography laboratory, cardiac catheterization laboratory, delivery room, operating room or post-operative recovery room. For rooms with a floor area greater than 300 square feet, OSHPD pre-approved standard details may be used. 2. Wall or floor-mounted cabinets, shelves, shelving units, file cabinets, and/or storage racks and rolling carts, unless these components are in a location where they could fall, collapse, or fail in the patient care vicinity as defined in Article 517.2 of the CEC, or could block a required means of egress. • "Equipment," as listed in the 1995 CBC, Part 2, Title 24, Table 16A-0, "Equipment," including equipment in the physical plant that service these areas. **Exceptions:** 1. Seismic restraints need not be provided for cable trays, conduit and HVAC ducting. Seismic restraints may be omitted from piping systems, provided that an approved method of preventing release of the contents of the piping system in the event of a break is provided. 2. Elevator(s) need not comply with these requirements. 3. Tanks and vessels are connected to the building systems with flexible connectors capable of accommodating a minimum of 12 inches of movement in any direction and not be dislodged from supports. • Fire sprinkler systems comply with the bracing and anchorage requirements of NFPA 13, 1994 edition, or subsequent applicable standards.
January 1, 2030	NPC 4D Levels 1, 2, or 3	The building meets the criteria for NPC "3," and for systems listed in Levels 1 to 3 below, meets the bracing and anchorage requirements of Part 2, Title 24.[2] 1. Level 1 includes all systems and equipment required to comply with NPC-3. An Operational Plan to repair and bring all systems and services back online, or to provide them in an alternative manner, is filed with the Office in accordance with Section 11.2.3. 2. Level 2 includes Level 1 and all services and utilities from the source to Level 1 areas necessary to accommodate continuation of operations after an event. These services are anchored and braced, and shall include elevator(s) selected to provide service to patient, surgical, obstetrical, and ground floors during interruption of normal power needed, to meet the structural requirements of Part 2, Title 24. An Operational Plan to repair and bring all other systems and services back online, or to provide them in an alternative manner, is filed with the Office in accordance with Section 11.2.3. 3. Level 3 includes Level 2, and all systems and equipment are anchored and braced so that additional services, as determined by the hospital in its Operational Plan, are functional and available to the public after a seismic event. The Operational Plan to repair and bring all other systems and services back online, or to provide them in an alternative manner, is filed with the Office in accordance with Section 11.2.3.
January 1, 2030	NPC 4	The building meets the criteria for NPC "3" and all architectural, mechanical, electrical systems, components and equipment, and hospital equipment including all elevator(s) meet the bracing and anchorage requirements of Part 2, Title 24.[2] This category is for classification purposes of the Office of Emergency Services.
January 1, 2030	NPC 5	The building meets the criteria for NPC "4" or NPC "4D" and on-site supplies of water and holding tanks for sewage and liquid waste, sufficient to support 72 hours emergency operations, are integrated into the building plumbing systems in accordance with the *California Plumbing Code*. An on-site emergency system as defined in the *California Electrical Code* is incorporated into the building electrical system for critical care areas. Additionally, the system shall provide for radiological service and an on-site fuel supply for 72 hours of acute care operation.

1. For the purpose of NPC 2 and NPC 5, all enumerated items within Table 11.1 shall meet the requirements of Section 1632A of 2001 *California Building Code* (CBC) or equivalent provision in later version of the CBC by the specified timeframe as indicated by their respective NPC.
2. For the purposes of NPC 3 and NPC 4 or NPC 4D in SPC 2, SPC 3, SPC 4 or SPC 4D, buildings, all enumerated items within Table 11.1 shall meet the requirements of the 1998 CBC, Section 1630B or equivalent provision in later version of the CBC, by the specified timeframe. The adequacy of anchorage and bracing may be limited to the connection of the component or equipment to the support when the total reaction at the point of support (including the application of F_p) less than or equal to the following limits:
   1. 250 pounds for components or equipment attached to light frame walls. For the purposes of this requirement, the sum of the absolute value of all reactions due to component loads on a single stud shall not exceed 250 pounds.
   2. 1,000 pounds for components or equipment attached to roofs, or walls of reinforced concrete or masonry construction.
   3. 2,000 pounds for components or equipment attached to floors or slabs-on-grade.

   Exception: If the anchorage or bracing is configured in a manner that results in significant torsion on a supporting structural element, the effects of the nonstructural reaction force on the structural element shall be considered in the anchorage design.

11.1.1 Site visit and evaluation. The evaluator shall:

1. Visit the building to observe and record the type, nature and physical condition of the nonstructural elements and systems for the planned NPC;
2. Note the SPC of the buildings based on procedures followed in Article 2;
3. Assemble building design data including:
   a. Construction drawings, specifications and calculations, and

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b. All drawings, specifications and calculations for remodeling work.

4. During the visit, the evaluator shall:
   a. Verify existing data;
   b. Develop other needed data (e.g., measure and sketch building if necessary);
   c. Verify the critical nonstructural systems of the planned NPC;
   d. Verify the critical care areas/services; and
   e. Identify special conditions which may impact the nonstructural systems or endanger the function of the critical care areas/services.

If drawings are not available, the site visit and evaluation shall be performed as described in this section.

5. Review other data available such as assessments of building performance and function following past earthquakes;
6. Prepare a summary of data using an OSHPD approved format;
7. Perform the evaluation using the procedures in Section 11.2; and
8. Prepare a report of the findings of the evaluation using an OSHPD approved format.

11.2 Evaluation of buildings. Conforming and nonconforming buildings shall be placed in an NPC based upon the degree of anchorage and bracing for those systems and equipment specified in Table 11.1. The scope of the nonstructural evaluation may be limited to the nonstructural systems and elements specified in Table 11.1 for the planned NPC. Buildings which do not meet the requirements for NPC 2 as defined in Table 11.1 shall be placed in NPC 1.

11.2.1 Evaluation procedures for NPC 2. The following steps shall determine if the building meets the criteria for NPC 2:

a) Identify the specific nonstructural components and equipment that are subject to the requirements of NPC 2 as specified in Table 11.1;

b) Conduct an inventory of components and equipment, noting whether the items are anchored or braced;

c) Determine if the anchorage or bracing of the identified components and equipment complies with the following conditions:
   1. Installed under a permit issued by OSHPD. Drawings showing the installation and bearing an OSHPD approval stamp are required to show that the installation conforms to Part 2, Title 24; or
   2. Reviewed and approved by the Department of General Services, Office of Architecture and Construction, Structural Safety Section. Drawings showing: a) the installation; b) bear an Office of Architecture and Construction, Structural Safety Section approval stamp; and c) a five-digit project number on the approval that begins with the “H” prefix, are required to demonstrate that the installation conforms to Part 2, Title 24. It shall also be demonstrated by a written report submitted by the structural engineer, acceptable to the enforcement agency, that an investigation of the anchorage and bracing of components and equipment identified in Section 11.2.1(a) shows it to be constructed in reasonable conformity with these drawings.

   Anchorage and bracing of elements that comply with either of these conditions are considered to meet the requirements of NPC 2.

   Installation is defined as that which shows the size and type of material for all components of the system, including the anchor or fastener manufacturer (if proprietary), type, total number and embedment if connected to structural concrete, masonry or wood.

d) If the components and equipment inventoried in 11.2.1(b) is anchored or braced, but does not meet the requirements of Section 11.2.1(c), determine if the bracing and anchorage is sufficient to meet the code requirements specified in Table 11.1. The bracing capacity shall be determined by calculations based upon information shown in the construction documents. If these documents are incomplete or unavailable, the evaluation shall be based on the as-built conditions, with the capacity of fasteners to masonry, concrete or wood determined by approved tests; and

e) If any of the items inventoried in 11.2.1(b) are unanchored or inadequately braced as determined by Section 11.2.1(d), the building shall be placed in NPC 1.

11.2.2 Evaluation procedures for NPC 3. The following steps shall determine if the building meets the criteria for NPC 3:

a) Identify the specific nonstructural components and equipment that are subject to the requirements of NPC 2 and NPC 3;

b) Conduct an inventory of components and equipment specified in Table 11.1, NPC 3, noting whether the components and equipment are anchored or braced;

c) Determine the level of NPC 3 conformance desired.
   1. Buildings classified as SPC 1 or SPC 2 are permitted to meet the NPC 3 performance level. See also Section 11.2.3(c).
   2. Buildings classified as SPC 3 or higher must meet the NPC 3 performance level.

d) Determine if the anchorage or bracing of the identified components and equipment complies with the following conditions:
   1. Installed under a permit issued by OSHPD. Drawings showing the installation and bearing an OSHPD approval stamp are required to show that the installation conforms to Part 2, Title 24; or
   2. Reviewed and approved by the Department of General Services, Office of Architecture and Construction, Structural Safety Section. Drawings showing: a) the installation; b) bear an Office of Architecture and Construction, Structural Safety Section approval stamp; and c) a five-digit project number on the approval stamp that begins with an “H” prefix, are required to demonstrate that the installation conforms to Part 2, Title 24. It shall also be demonstrated by

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a written report submitted by the structural engineer, acceptable to the enforcement agency, that an investigation of the anchorage and bracing of components and equipment identified in Section 11.2.2(a) shows it to be constructed in reasonable conformity with these drawings.

Anchorage and bracing of elements that comply with either of these conditions are considered to meet the requirements of NPC 2 and NPC 3.

Installation is defined as that which shows the size and type of material for all components of the system including the anchor or fastener manufacturer (if proprietary), type, total number and embedment if connected to structural concrete, masonry or wood.

e) If the components and equipment inventoried in 11.2.2(b) are anchored or braced, but do not meet the requirements of Section 11.2.2(d), determine if the bracing and anchorage is sufficient to meet the code requirements specified in Table 11.1 for NPC 3. The bracing capacity shall be determined by calculations based upon information shown in the construction documents. If these documents are incomplete or unavailable, the evaluation shall be based on the as-built conditions, with the capacity of fasteners to masonry, concrete, or wood determined by approved tests.

f) If any of the items inventoried in 11.2.2(b) are inadequately anchored or braced, as determined by Section 11.2.2(d), the building shall be placed in NPC 2.

11.2.3 Evaluation procedures for NPC 4 and NPC 4D. The following steps shall be followed to determine if the building meets the criteria for NPC 4 or NPC 4D:

a) Identify the specific nonstructural components and equipment that are subject to the requirements of NPC 2 through NPC 4 or NPC 4D;

b) Conduct an inventory of components and equipment specified in Table 11.1, NPC 2 through NPC 4 or NPC 4D, noting whether the components and equipment are anchored or braced;

c) Determine if the anchorage or bracing of the identified components and equipment complies with one of the following conditions:

1. Installed under a permit issued by OSHPD. Drawings showing the installation and bearing an OSHPD approval stamp are required to show that the installation conforms to Part 2, Title 24. Installation or retrofit of components that were designed to meet NPC 3R requirements must be shown to meet the anchorage and bracing requirements of the *California Building Code* for NPC 3. Buildings where the components designed to meet NPC 3R requirements that do not meet the anchorage and bracing requirements for NPC 3 shall be retrofitted to meet those requirements; or
2. Reviewed and approved by the Department of General Services, Office of Architecture and Construction, Structural Safety Section. Drawings showing: a) the installation; b) bear an Office of Architecture and Construction, Structural Safety Section approval stamp; and c) a five-digit project number on the approval stamp that begins with an “H” prefix, are required to demonstrate that the installation conforms to Part 2, Title 24. It shall also be demonstrated by a written report submitted by the structural engineer, acceptable to the enforcement agency, that an investigation of the anchorage and bracing of components and equipment identified in Section 11.2.3(a) shows it to be constructed in reasonable conformity with these drawings.

Anchorage and bracing of elements that comply with either of these conditions are considered to meet the requirements of NPC 4 or NPC 4D.

Installation is defined as that which shows the size and type of material for all components of the system including the anchor or fastener manufacturer (if proprietary), type, total number and embedment if connected to structural concrete, masonry or wood.

d) If the components and equipment inventoried in 11.2.3(b) are anchored or braced, but do not meet the requirements of Section 11.2.3(c), determine if the bracing and anchorage is sufficient to meet the code requirements specified in Table 11.1. The bracing capacity shall be determined by calculations based upon information shown in the construction documents. If these documents are incomplete or unavailable, the evaluation shall be based on the as-built conditions, with the capacity of fasteners to masonry, concrete or wood determined by approved tests; and

e) If any of the items inventoried in 11.2.3(b)is unanchored or inadequately braced as determined by Section 11.2.3(d), the building shall be placed in NPC 3.

f) Nonstructural Performance Category 4D Operational Plan (Operational Plan) for Levels 1, 2, and 3 areas required for continuous operations. For minimum compliance with NPC 4D the facility must prepare an owner-approved Operational Plan specifying how it will repair nonstructural damage and bring systems and services back on line, or provide them in an alternative manner to accommodate continuation of critical care operations. This plan may include any other units or departments that hospitals may wish to keep operational for a minimum of 72 hours after a seismic event or other natural or human-made disaster. The Operational Plan shall be filed with the Office and shall include an executive summary, a detailed narrative of management of utilities, provisions, sustainability, and alternate means. The Operational Plan shall include, but is not limited to, the following topics for each unit or service that is not in compliance with NPC 4:

1. **NPC 3 AREAS**

i. As-built plans, schematic, or other means showing the routing for all nonexempt utilities serving the areas from their source to the areas they serve.

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ii. Materials on hand to make necessary repairs to these systems in the event of failure, breakage, or other causes of nonoperational status.

iii. Prioritize the restoration of the essential electrical system.

iv. Facility has a plan to maintain the areas in operation, including all necessary utilities and equipment for functionality.

v. An arrangement is in place to transfer the services in the event the hospital's services are not operational or cannot be made operational immediately.

2. **CENTRAL AND STERILE SUPPLIES** – Facility has a means to obtain additional medical equipment and supplies for the areas in the event in-house central or sterile supplies storage is damaged or unusable.

3. **DIETARY** – Facility has a means to obtain food service for the areas in the event in-house dietary is damaged or unusable.

4. **PHARMACEUTICAL SERVICES** – Facility has means to obtain pharmaceutical services for the areas in the event in-house pharmaceutical services are damaged or unusable.

5. **EMERGENCY POWER**

i. Reliable emergency power generating capacity for the areas is provided.

ii. Emergency power is adequate to provide for all essential services for 72 hours of continuous, full-load demand before replenishment is needed.

iii. Facility has a means for emergency fuel replenishment.

iv. Facility has a means of providing essential electrical power in the event of its generator(s) failure.

v. Stat Lab and blood bank have been identified as essential services.

6. **WATER SUPPLY** – Facility has a means to obtain water service for the areas in the event normal water service is not available.

7. **MEDICAL GASES** – Facility has a means to obtain medical gases for areas in the event normal medical gas systems and supplies are not available.

8. **VENTILATION**

i. Facility can isolate and shut down Heating, Ventilation, and Air Conditioning (HVAC) system zones in an emergency.

ii. Guidelines are in place for emergency shutdown.

iii. Sections of the facility can be isolated.

iv. Individuals are identified who have authority for ordering HVAC shutdown 24/7.

v. Air intakes are protected from tampering.

vi. Facilities and Engineering staff have knowledge of HVAC zones and shutdown procedures.

vii. Facility maintains adequate emergency supplies of filters for HVAC systems.

9. **WASTE DISPOSAL**

i. Procedures for management and disposal of an increased volume of contaminated wastes, goods, and fluids for 72 hours are in place.

g) **Operational Plan update/change notification.** The hospital shall document any changes and file the revised plan with the Office.

11.2.4 Evaluation procedures for NPC 5. The following steps shall determine if the building meets the criteria for NPC 5:

a) Identify the specific nonstructural components and equipment that are subject to the requirements of NPC 2 through NPC 5;

b) Conduct an inventory of components and equipment specified in Table 11.1, NPC 2 through NPC 5, noting whether the components and equipment are anchored or braced;

c) Determine if the anchorage or bracing of the identified components and equipment complies with the following conditions:

1. Installed under a permit issued by OSHPD. Drawings showing the installation and bearing an OSHPD approval stamp are required to show that the installation conforms to Part 2, Title 24; or

2. Reviewed and approved by the Department of General Services, Office of Architecture and Construction, Structural Safety Section. Drawings showing: a) the installation; b) bear an Office of Architecture and Construction, Structural Safety Section approval stamp; and c) a five-digit project number on the approval stamp that begins with an "H" prefix, are required to demonstrate that the installation conforms to Part 2, Title 24. It shall also be demonstrated by a written report submitted by the structural engineer, acceptable to the enforcement agency, that an investigation of the anchorage and bracing of components and equipment identified in Section 11.2.4(a) shows it to be constructed in reasonable conformity with these drawings.

Anchorage and bracing of elements that comply with either of these conditions are considered to meet the requirements of NPC 5.

Installation is defined as that which shows the size and type of material for all components of the system including the anchor or fastener manufacturer (if proprietary), type, total number and embedment if connected to structural concrete, masonry or wood.

d) If the components and equipment inventoried in 11.2.4(b) are anchored or braced, but do not meet the requirements of Section 11.2.4(c), determine if the bracing and anchorage is sufficient to meet the code requirements specified in Table

11.1. The bracing capacity shall be determined by calculations based upon information shown in the construction documents. If these documents are incomplete or unavailable, the evaluation shall be based on the as-built conditions, with the capacity of fasteners to masonry, concrete or wood determined by approved tests; and

e) If any of the items inventoried in 11.2.4(b) is inadequately anchored or braced as determined by Section 11.2.4(d), the building shall be placed in the appropriate NPC category in accordance with Table 11.1.

11.3 Testing requirements for evaluating the performance of existing mechanical fasteners. A testing program shall be instituted to determine the capacity of mechanical fasteners used to anchor nonstructural components including the bracing of pipes, ducts and conduit, and the attachment of equipment and other components listed in the 1995 CBC, Part 2, Title 24, Table 16A-0. Anchors shall be categorized as either seismic bracing of pipes ducts or conduit or equipment and other component anchors.

11.3.1 Anchors used in the seismic bracing of pipes, ducts or conduit. For anchors used in the seismic bracing of pipes, ducts or conduit, the following shall apply:

1. Twenty percent of the anchors (20 minimum) of a given size and type (wedge, shell and sleeve for expansion bolts), at each level of the structure shall be tension tested to three times the maximum calculated design load specified in Section 1630B of 1998 *California Building Code* (CBC) or equivalent provision in later version of the CBC but not less than 500 pounds. A minimum of one anchor in any 4-bolt group shall be tested assuming an equal distribution of the calculated force to the bolt group. One-quarter ($^1/_4$)-inch diameter anchors need not be tested. Where none of the anchors in the group have calculated tension, no testing is required.

   Exception: Internally threaded anchors, such as shell-type anchors, shall be tested to four times the maximum calculated design loads. Attachment hardware shall be shimmed or removed prior to testing so that it does not prevent the possible withdrawal of the anchor.
2. If an anchor fails the tension test, 20 anchors, installed by the same trade, in the immediate vicinity of the failed anchor shall be tested prior to resuming to a 20 percent sampling rate for testing.

11.3.2 Anchors used in the attachment of equipment and other components. For anchors used in the attachment of equipment and other components listed in the 1995 CBC, Part 2, Title 24, Table 16A-0, the following shall apply:

1. A minimum of one anchor of a given size shall be tension tested for each piece of equipment or other component under consideration. Where the number of anchors for the piece of equipment or component exceeds four, a minimum of 20 percent of the anchors shall be tension tested. Where none of the anchors in the group have calculated tension, no testing is required.
2. The tension test load shall be three times the maximum tension force calculated for an anchor in the attachment group using the design loads specified in Section 1630B of 1998 *California Building Code* (CBC) or equivalent provision in later version of the CBC or 500 pounds minimum. One-quarter ($^1/_4$)-inch diameter anchors need not be tested.

   Exception: Internally threaded anchors, such as shell type anchors, shall be tested to four times the maximum calculated design loads. Attachment hardware shall be shimmed or removed prior to testing so that it does not prevent the possible withdrawal of the anchor.
3. If a single anchor fails, all anchors in the attachment group shall be tested. If two or more anchors fail, the component shall be retrofitted for the forces as for new construction.

11.3.3 Tension testing procedure.

1. Testing of anchors shall be accomplished by the application of externally applied direct tension force to the anchor. The testing apparatus shall not restrict the probable shear cone failure surface of the concrete or masonry.
2. Torque testing is not permitted in lieu of tension testing unless specifically allowed in these provisions.
3. A failure is defined when the tension load on the anchor produces a slip of $^1/_8$ inch, a shear cone failure in the concrete or masonry, concrete splitting, or fracture of the steel anchor itself prior to attaining the test load value.

   Exception: For internally threaded anchors, the allowable slip shall not exceed $^1/_{16}$ inch.

11.3.4 Alternate test criteria. In lieu of testing in accordance with Section 11.3.1 or 11.3.2, a test load may be established by the evaluating engineer. The allowable load that the anchor can resist shall be determined by dividing the test load by the appropriate factors noted in Section 11.3.1 or 11.3.2. No one-third increase is permitted for seismic or wind loads.

11.4 Capacity of existing mechanical anchors:

1. For cast-in-place anchors, the tension and shear capacity shall be in accordance with Table 19B-E of the 1998 CBC.
2. For post-installed anchors, the tension and shear capacities are permitted to be in accordance with the evaluation report, acceptable to the Office, that match the anchor, manufacturer and applicable code at the time of installation.

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APPENDIX

GENERAL SETS OF EVALUATION STATEMENTS

EVALUATION STATEMENTS FOR THE BASIC BUILDING SYSTEM

Address the following evaluation statements, marking each either true (T), false (F) or not applicable (N/A). Statements that are found to be true identify issues that are acceptable according to the criteria of these regulations; statements that are found to be false identify issues that need investigation. For guidance in the investigation, refer to the section number indicated in parentheses at the end of the statement.

Building System

T F LOAD PATH: The structure contains a complete load path for seismic force effects from any horizontal direction that serves to transfer the inertial forces from the mass to the foundation. (Section 3.1)

T F REDUNDANCY: The structure will remain laterally stable after the failure of any single element. (Section 3.2)

Configuration

T F NA WEAK STORY: Visual observation or a Quick Check indicates that there are no significant strength discontinuities in any of the vertical elements in the lateral-force-resisting system; the story strength at any story is not less than 80 percent of the strength of the story above. (Section 3.3.1)

T F NA SOFT STORY: Visual observation or a Quick Check indicates that there are no significant stiffness discontinuities in any of the vertical elements in the lateral-force-resisting system; the lateral stiffness of a story is not less than 70 percent of that in the story above or less than 80 percent of the average stiffness of the three stories above. (Section 3.3.2)

T F NA GEOMETRY: There are no significant geometrical irregularities; there are no setbacks (i.e., no changes in horizontal dimension of the lateral-force-resisting system of more than 30 percent in a story relative to the adjacent stories). (Section 3.3.3)

T F NA MASS: There are no significant mass irregularities; there is no change of effective mass of more than 50 percent from one story to the next, excluding light roofs. (Section 3.3.4)

T F NA VERTICAL DISCONTINUITIES: All shear walls, infilled walls and frames are continuous to the foundation. (Section 3.3.5)

T F TORSION: The lateral-force-resisting elements form a well-balanced system that is not subject to significant torsion. Significant torsion will be taken as any condition where the distance between the story center of rigidity and the story center of mass is greater than 20 percent of the width of the structure in either major plan dimension. (Section 3.3.6)

Adjacent buildings

T F ADJACENT BUILDINGS: There is no immediately adjacent structure that is less than half as tall or has floors/levels that do not match those of the building being evaluated. A neighboring structure is considered “immediately adjacent” if it is within 2 inches times the number of stories away from the building being evaluated. (Section 3.4)

Deflection incompatibility

T F DEFLECTION INCOMPATIBILITY: Column and beam assemblies that are not part of the lateral-force- resisting system (i.e., gravity load-resisting frames) are capable of accommodating imposed building drifts, including amplified drift caused by diaphragm deflections, without loss of vertical load-carrying capacity. (Section 3.5)

Short “captive” columns

T F SHORT “CAPTIVE” COLUMNS: There are no columns with height-to-depth ratios less than 75 percent of the nominal height-to-depth ratios of the typical columns at that level. (Section 3.6)

Materials and conditions

T F NA DETERIORATION OF WOOD: None of the wood members shows signs of decay, shrinkage, splitting, fire damage or sagging, and none of the metal accessories is deteriorated, broken or loose. (Section 3.7.1)

T F NA OVERDRIVEN NAILS: There is no evidence of overdriven nails in the shear walls or diaphragms. (Section 3.7.2)

T F NA DETERIORATION OF STEEL: There is no significant visible rusting, corrosion or other deterioration in any of the steel elements in the vertical- or lateral-force-resisting system. (Section 3.7.3)

T F NA DETERIORATION OF CONCRETE: There is no visible deterioration of concrete or reinforcing steel in any of the frame elements. (Section 3.7.4)

T F NA POST-TENSIONING ANCHORS: There is no evidence of corrosion or spalling in the vicinity of post- tensioning or end fittings. Coil anchors have not been used. (Section 3.7.5)

T F NA CONCRETE WALL CRACKS: All diagonal cracks in the wall elements are 1.0 mm or less in width, are in isolated locations, and do not form an X pattern. (Section 3.7.6)

T F NA CRACKS IN BOUNDARY COLUMNS: There are no diagonal cracks wider than 1.0 mm in concrete columns that encase the masonry infills. (Section 3.7.7)

T F NA PRECAST CONCRETE WALLS: There is no significant visible deterioration of concrete or reinforcing steel or evidence of distress, especially at the connections. (Section 3.7.8)

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T F NA MASONRY JOINTS: The mortar cannot be easily scraped away from the joints by hand with a metal tool, and there are no significant areas of eroded mortar. (Section 3.7.9)

T F NA MASONRY UNITS: There is no visible deterioration of large areas of masonry units. (Section 3.7.10)

T F NA CRACKS IN INFILL WALLS: There are no diagonal cracks in the infilled walls that extend throughout a panel or are greater than 1.0 mm wide. (Section 3.7.11)

EVALUATION STATEMENTS FOR VERTICAL SYSTEMS RESISTING LATERAL FORCES

Address the following evaluation statements, marking each either true (T), false (F) or not applicable (N/A). Statements that are found to be true identify issues that are acceptable according to the criteria of these regulations; statements that are found to be false identify issues that need investigation. For guidance in the investigation, refer to the section number indicated in parentheses at the end of the statement.

MOMENT FRAMES

Frames with infill walls

T F NA INTERFERING WALLS: All infill walls placed in the moment frames are isolated from the structural elements. (Section 4.1.1)

Steel moment frames

T F NA DRIFT CHECK: The building satisfies the Quick Check of the frame drift. (Section 4.2.1)

T F NA COMPACT MEMBERS: All moment frame elements meet the compact section requirements of the basic AISC documents. (Section 4.2.2)

T F NA BEAM PENETRATIONS: All openings in frame-beam webs have a depth less than one fourth of the beam depth and are located in the center half of the frame beams. (Section 4.2.3)

T F NA MOMENT CONNECTIONS: All beam-column connections in the lateral-force-resisting moment frame have full-penetration flange welds and a bolted or welded web connection. (Section 4.2.4)

T F NA COLUMN SPLICES: All column splice details of the moment-resisting frames include connection of both flanges and the web. (Section 4.2.5)

T F NA JOINT WEBS: All web thicknesses within joints of moment-resisting frames meet the AISC criteria for web shear. (Section 4.2.6)

T F NA GIRDER FLANGE CONTINUITY PLATES: There are girder flange continuity plates at joints. (Section 4.2.7)

T F NA STRONG COLUMN/WEAK BEAM: At least one half of the joints are strong column/weak beam (33 percent on every line of moment frame). Roof joints need not be considered. (Section 4.2.8)

T F NA OUT-OF-PLANE BRACING: Beam-column joints are braced out-of-plane. (Section 4.2.9)

T F NA PRE-NORTHRIDGE EARTHQUAKE WELDED MOMENT FRAME JOINTS: Welded steel moment frame beam-column joints are designed and constructed in accordance with recommendations in FEMA 267, Interim Guidelines: Evaluation, Repair, Modification, and Design of Welded Steel Moment Frame Structures, August 1995. (Section 4.2.10)

Concrete moment frames

T F NA SHEARING STRESS CHECK: The building satisfies the Quick Check of the average shearing stress in the columns. (Section 4.3.1)

T F NA DRIFT CHECK: The building satisfies the Quick Check of story drift. (Section 4.3.2)

T F NA PRESTRESSED FRAME ELEMENTS: The lateral-load-resisting frames do not include any pre-stressed or post-tensioned elements. (Section 4.3.3)

T F NA JOINT ECCENTRICITY: There are no eccentricities larger than 20 percent of the smallest column plan dimension between girder and column center-lines. (Section 4.3.4)

T F NA NO SHEAR FAILURES: The shear capacity of frame members is greater than the moment capacity. (Section 4.3.5)

T F NA STRONG COLUMN/WEAK BEAM: The moment capacity of the columns appears to be greater than that of the beams. (Section 4.3.6)

T F NA STIRRUP AND TIE HOOKS: The beam stirrups and column ties are anchored into the member cores with hooks of 135 degrees or more. (Section 4.3.7)

T F NA COLUMN-TIE SPACING: Frame columns have ties spaced at $d/4$ or less throughout their length and at $8d_b$, or less at all potential plastic hinge regions. (Section 4.3.8)

T F NA COLUMN-BAR SPLICES: All column bar lap splice lengths are greater than $35d_b$, long and are enclosed by ties spaced at $8d_b$, or less. (Section 4.3.9)

T F NA BEAM BARS: At least two longitudinal top and two longitudinal bottom bars extend continuously throughout the length of each frame beam. At least 25 percent of the steel provided at the joints for either positive or negative moment is continuous throughout the members. (Section 4.3.10)

T F NA BEAM-BAR SPLICES: The lap splices for the longitudinal beam reinforcing are located within the center half of the member lengths or in the vicinity of potential plastic hinges. (Section 4.3.11)

T F NA STIRRUP SPACING: All beams have stirrups spaced at $d/2$ or less throughout their length and at $8d_b$ or less at potential hinge locations. (Section 4.3.12)

T F NA BEAM TRUSS BARS: Bent-up longitudinal steel is not used for shear reinforcement. (Section 4.3.13)

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T F NA JOINT REINFORCING: Column ties extend at their typical spacing through all beam-column joints at exterior columns. (Section 4.3.14)

T F NA FLAT SLAB FRAMES: The system is not a frame consisting of a flat slab/plate without beams. (Section 4.3.15)

Precast concrete moment frames

T F NA PRECAST FRAMES: The lateral loads are not resisted by precast concrete frame elements. (Section 4.4.1)

T F NA PRECAST CONNECTIONS: For buildings with concrete shear walls, the connection between precast frame elements such as chords, ties and collectors in the lateral-force-resisting system can develop the capacity of the connected members. (Section 4.4.2)

Frames not part of the lateral-force-resisting system

T F NA COMPLETE FRAMES: The steel or concrete frames form a complete vertical load-carrying system. (Section 4.5.1)

SHEAR WALLS

Concrete shear walls

T F NA SHEARING STRESS CHECK: The building satisfies the Quick Check of the shearing stress in the shear walls. (Section 5.1.1)

T F NA OVERTURNING: All shear walls have h_w/l_w ratios less than 4 to 1. (Section 5.1.2)

T F NA COUPLING BEAMS: The stirrups in all coupling beams are spaced at $d/2$ or less and are anchored into the core with hooks of 135 degrees or more. (Section 5.1.3)

T F NA COLUMN SPLICES: Steel column splice details in shear wall boundary elements can develop the tensile strength of the column. (Section 5.1.4)

T F NA WALL CONNECTIONS: There is positive connection between the shear walls and the steel beams and columns. (Section 5.1.5)

T F NA CONFINEMENT REINFORCING: For shear walls with h_w/l_w greater than 2.0, the boundary elements are confined with spirals or ties with spacing less then 8_{db}. (Section 5.1.6)

T F NA REINFORCING STEEL: The area of reinforcing steel for concrete walls is greater than 0.0025 times the gross area of the wall along both the longitudinal and transverse axes and the maximum spacing of reinforcing steel is 18 inches. (Section 5.1.7)

T F NA REINFORCING AT OPENINGS: There is special wall reinforcement around all openings. (Section 5.1.8)

Precast concrete shear walls

T F NA PANEL-TO-PANEL CONNECTIONS: Adjacent wall panels are not connected by welded steel inserts. (Section 5.2.1)

T F NA WALL OPENINGS: Openings constitute less than 75 percent of the length of any perimeter wall with the wall piers having h_w/l_w ratios of less than 2.0. (Section 5.2.2)

T F NA COLLECTORS: Wall elements with openings larger than a typical panel at a building corner are connected to the remainder of the wall with collector reinforcing. (Section 5.2.3)

Reinforced masonry shear walls

T F NA SHEARING STRESS CHECK: The building satisfies the Quick Check of the shearing stress in the unreinforced masonry shear walls. (Section 5.4.1)

T F NA REINFORCING: The total vertical and horizontal reinforcing steel in reinforced masonry walls is greater than 0.002 times the gross area of the wall with a minimum of 0.0007 in either of the two directions, the spacing of reinforcing steel is less than 48 inches and all vertical bars extend to the top of the walls. (Section 5.4.2)

T F NA REINFORCING AT OPENINGS: There is special wall reinforcement around all openings. (Section 5.1.8)

Unreinforced masonry shear walls

T F NA SHEARING STRESS CHECK: The building satisfies the Quick Check of the shearing stress in the unreinforced masonry shear walls. (Section 5.4.1)

T F NA MASONRY LAY-UP: Filled collar joints of multi- wythe masonry walls have negligible voids. (Section 5.4.2)

Infill walls in frames

T F NA PROPORTIONS: The height/thickness ratio of the wall is as follows: (Section 5.4.3)

One-story building $h_w/t < 15$

Multistory building

Top story $h_w/t < 9$
Other stories $h_w/t < 13$

T F NA SOLID WALLS: The infill walls are not of cavity construction. (Section 5.5.2)

T F NA CONTINUOUS WALLS: The infill walls are continuous to the soffits of the frame beams. (Section 5.5.3)

T F NA WALL CONNECTIONS: All infill panels are constructed to encompass the frames around their entire perimeter. (Section 5.5.4)

Walls in wood-frame buildings

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T F NA SHEARING STRESS CHECK: The building satisfies the Quick Check of the shearing stress in the wood shear walls. (Section 5.6.1)

T F NA OPENINGS: Walls with garage doors or other large openings are braced with plywood shear walls or are supported by adjacent construction through substantial positive ties. (Section 5.6.2)

T F NA WALL REQUIREMENTS: All walls supporting tributary area of 24 to 100 square feet per foot of wall are plywood sheathed with proper nailing, or rod braced and have a height-to-depth (H/D) ratio of 1 to 1 or less, or have properly detailed and constructed hold downs. (Section 5.6.3)

T F NA CRIPPLE WALLS: All exterior cripple walls below the first floor level are braced to the foundation with shear elements. (Section 5.6.4)

T F NA NARROW SHEAR WALLS: Narrow wood shear walls with an aspect ratio greater than 2 to 1 do not resist forces developed in the building. (Section 5.6.5)

T F NA STUCCO (EXTERIOR PLASTER) SHEAR WALLS: Multistory buildings do not rely on exterior stucco walls as the primary lateral-force-resisting system. (Section 5.6.6)

T F NA PLASTER OR GYPSUM WALLBOARD SHEAR WALLS: Interior plaster or gypsum wallboard is not being used for shear walls in buildings over one story in height. (Section 5.6.7)

BRACED FRAMES

Concentric braced frames

T F NA STRESS CHECK: The building satisfies the Quick Check of the stress in the diagonals. (Section 6.1.1)

T F NA STIFFNESS OF DIAGONALS: All diagonal elements required to carry compression have K_l/r ratios less than 120. (Section 6.1.2)

T F NA TENSION-ONLY BRACES: Tension-only braces are not used as the primary diagonal bracing elements in structures over two stories in height. (Section 6.1.3)

T F NA CHEVRON BRACING: The bracing system does not include chevron-, V- or K-braced bays. (Section 6.1.4)

T F NA CONCENTRIC JOINTS: All the diagonal braces frame into the beam-column joints concentrically. (Section 6.1.5)

T F NA CONNECTION STRENGTH: All the brace connections are able to develop the yield capacity of the diagonals. (Section 6.1.6)

T F NA COLUMN SPLICES: All column splice details of the braced frames can develop the column yield capacity. (Section 6.1.7)

T F NA CONCRETE BRACED FRAMES: None of the braces in the framing system are of reinforced concrete construction. (Section 6.1.8)

Eccentric braced frames

T F NA LINK BEAM LOCATION: The link beams are not connected to the columns. (Section 6.2.1)

EVALUATION STATEMENTS FOR DIAPHRAGMS

Address the following evaluation statements, marking each either true (T), false (F) or not applicable (N/A). Statements that are found to be true identify issues that are acceptable according to the criteria of these regulations; statements that are found to be false identify issues that need investigation. For guidance in the investigation, refer to the section number indicated in parentheses at the end of the statement.

General

T F NA PLAN IRREGULARITIES: There is significant tensile capacity at reentrant corners or other locations of plan irregularities. (Section 7.1.1)

T F NA CROSS TIES: There are continuous cross ties between diaphragm chords. (Section 7.1.2)

T F NA REINFORCING AT OPENINGS: There is reinforcing around all diaphragm openings larger than 50 percent of the building width in either major plan dimension. (Section 7.1.3)

T F NA OPENINGS AT SHEAR WALLS: Diaphragm openings immediately adjacent to the shear walls constitute less than 25 percent of the wall length, and the available length appears sufficient. (Section 7.1.4)

T F NA OPENINGS AT BRACED FRAMES: Diaphragm openings immediately adjacent to the braced frames extend less than 25 percent of the length of the bracing. (Section 7.1.5)

T F NA OPENINGS AT EXTERIOR MASONRY SHEAR WALLS: Diaphragm openings immediately adjacent to exterior masonry walls are no more than 8 feet long. (Section 7.1.6)

Wood diaphragms

T F NA SHEATHING: None of the diaphragms consist of straight sheathing or have span/depth ratios greater than 2 to 1. (Section 7.2.1)

T F NA SPANS: All diaphragms with spans greater than 24 feet have plywood or diagonal sheathing. Structures in Building Type 2 may have rod-braced systems. (Section 7.2.2)

T F NA UNBLOCKED DIAPHRAGMS: Unblocked wood panel diaphragms consist of horizontal spans of less than 40 feet and have span/depth ratios less than or equal to 3 to 1. (Section 7.2.3)

T F NA SPAN/DEPTH RATIO: If the span/depth ratios of wood diaphragms are greater than 3 to 1, there are nonstructural walls connected to all diaphragm levels at less than 40-foot spacing. (Section 7.2.4)

T F NA DIAPHRAGM CONTINUITY: None of the diaphragms are composed of split-level floors or, in wood commercial or industrial buildings, have expansion joints. (Section 7.2.5)

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T F NA CHORD CONTINUITY: All chord elements are continuous, regardless of changes in roof elevation. (Section 7.2.6)

Metal deck diaphragms

T F NA DECK TOPPING: All metal deck roofs have a reinforced concrete topping slab. (Section 7.3.1)

T F NA UNTOPPED DIAPHRAGMS: Untapped metal deck diaphragms consist of horizontal spans of less than 40 feet and have span/depth ratios less than or equal to 3 to 1. (Section 7.3.2)

Precast concrete diaphragms

T F NA TOPPING SLAB: Precast concrete diaphragm elements are interconnected by a reinforced concrete topping slab. (Section 7.4.1)

T F NA CONTINUITY OF TOPPING SLAB: The topping slab continues uninterrupted through the interior walls and into the exterior walls or is provided with dowels with a total area equal to the topping slab reinforcing. (Section 7.4.2)

Horizontal bracing

T F NA HORIZONTAL BRACING: Horizontal bracing forms a complete system of adequate capacity. (Section 7.5.1)

Other systems

T F NA OTHER SYSTEMS: The diaphragm system does not include thin planks and/or toppings of gypsum. (Section 7.6.1)

EVALUATION STATEMENTS FOR STRUCTURAL CONNECTIONS

Address the following evaluation statements, marking each either true (T), false (F) or not applicable (N/A). Statements that are found to be true identify issues that are acceptable according to the criteria of these regulations; statements that are found to be false identify issues that need investigation. For guidance in the investigation, refer to the section number indicated in parentheses at the end of the statement.

Anchorage for normal forces

T F NA WOOD LEDGERS: The connection between the wall panels and the diaphragm does not induce cross-grain bending or tension in the wood ledgers. (Section 8.2.1)

T F NA WALL ANCHORAGE: The exterior concrete or masonry walls are anchored to each of the diaphragm levels for out-of-plane loads. (Section 8.2.2)

T F NA MASONRY WALL ANCHORS: Wall anchorage connections are steel anchors or straps that are developed into the diaphragm. (Section 8.2.3)

T F NA ANCHOR SPACING: The anchors from the floor and roof systems into exterior masonry walls are spaced at 4 feet or less. (Section 8.2.4)

T F NA TILT-UP WALLS: Precast-bearing walls are connected to the diaphragms for out-of-plane loads; steel anchors or straps are embedded in the walls and developed into the diaphragm. (Section 8.2.5)

T F NA PANEL-DIAPHRAGM CONNECTION: There are at least two anchors from each precast wall panel into the diaphragm elements. (Section 8.2.6)

T F NA INADEQUATE STIFFNESS OF WALL ANCHORS: Anchors of walls to wood structural elements are installed taut and are stiff enough to prevent movement between the wall and roof. (Section 8.2.7)

Shear transfer

T F NA TRANSFER TO SHEAR WALLS: Diaphragms are reinforced and connected for transfer of loads to the shear walls. (Section 8.3.1)

T F NA TRANSFER TO STEEL FRAMES: The method used to transfer diaphragm shears to the steel frames is approved for use under lateral loads. (Section 8.3.2)

T F NA TOPPING SLAB TO WALLS AND FRAMES: Reinforced concrete topping slabs that interconnect the precast concrete diaphragm elements are doweled into the shear wall or frame elements. (Section 8.3.3)

Vertical components

T F NA STEEL COLUMNS: The columns in the lateral-force-resisting frames are substantially anchored to the building foundation. (Section 8.4.1)

T F NA CONCRETE COLUMNS: All longitudinal column steel is doweled into the foundation. (Section 8.4.2)

T F NA WOOD POSTS: There is positive connection of wood posts to the foundation and the elements being supported. (Section 8.4.3)

T F NA WALL REINFORCING: All vertical wall reinforcing is doweled into the foundation. (Section 8.4.4)

T F NA SHEAR-WALL-BOUNDARY COLUMNS: The shear wall columns are substantially anchored to the building foundation. (Section 8.4.5)

T F NA WALL PANELS: The wall panels are connected to the foundation and/or ground floor slab with dowels equal to the vertical panel reinforcing. (Section 8.4.6)

T F NA WOOD SILLS: All wall elements are bolted to the foundation sill at 6-foot spacing or less with proper edge distance for concrete and wood. (Section 8.4.7)

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Interconnection of elements

T F NA GIRDERS: Girders are supported by walls, or pilasters have special ties to secure the anchor bolts. (Section 8.5.1)

T F NA CORBEL BEARING: If the frame girders bear on column corbels, the length of bearing is greater than 3 inches. (Section 8.5.2)

T F NA CORBEL CONNECTIONS: The frame girders are not supported on corbels with welded elements. (Section 8.5.3)

Roof decking

T F NA LIGHT-GAGE METAL, PLASTIC OR CEMENTITIOUS ROOF PANELS: All light-gage metal, plastic or cementitious roof panels are properly connected to the roof framing at not more than 12 inches on center. (Section 8.6.1)

T F NA WALL PANELS: All wall panels (metal, fiberglass or cementitious) are properly connected to the wall framing. (Section 8.6.2)

EVALUATION STATEMENTS FOR FOUNDATIONS AND GEOLOGIC SITE HAZARDS

Address the following evaluation statements, marking each either true (T), false (F) or not applicable (N/A). Statements that are found to be true identify issues that are acceptable according to the criteria of these regulations; statements that are found to be false identify issues that need investigation. For guidance in the investigation, refer to the section number indicated in parentheses at the end of the statement.

Condition of foundations

T F FOUNDATION PERFORMANCE: The structure does not show evidence of excessive foundation movement such as settlement or heave that would affect its integrity or strength. (Section 9.1.1)

T F DETERIORATION: There is no evidence that foundation elements have deteriorated due to corrosion, sulphate attack, material breakdown or other reasons in a manner that would affect the integrity or strength of the structure. (Section 9.1.2)

Capacity of foundations

T F OVERTURNING: The ratio of the effective horizontal dimension, at the foundation level of the seismic-resisting system to the building height (base/height) exceeds 1.4AV. (Section 9.2.1)

T F TIES BETWEEN FOUNDATION ELEMENTS: Foundation ties adequate for seismic forces exist where footings, piles and piers are not restrained by beams, slabs or competent soils or rock. (Section 9.2.2)

T F NA LOAD PATH AT PILE CAPS: The pile caps are capable of transferring overturning and lateral forces between the structure and individual piles in the pile cap. (Section 9.2.3)

T F NA LATERAL FORCE ON DEEP FOUNDATIONS: Piles and piers are capable of transferring the lateral forces between the structure and the soil. (Section 9.2.4)

T F NA POLE BUILDINGS: Pole foundations have adequate embedment. (Section 9.2.5)

T F NA SLOPING SITES: The grade difference from one side of the building to another does not exceed one-half story. (Section 9.2.6)

Geologic site hazards

T F NA LIQUEFACTION: Liquefaction-susceptible, saturated, loose granular soils that could jeopardize the building's seismic performance do not exist in the foundation soils at depths within 50 feet under the building. (Section 9.3.1)

T F SLOPE FAILURE: The building site is sufficiently remote from potential earthquake-induced slope failures or rockfalls to be unaffected by such failures or is capable of accommodating small, predicted movements without failure. (Section 9.3.2)

T F SURFACE FAULT RUPTURE: Surface fault rupture and surface displacement at the building site are not anticipated. (Section 9.3.3)

EVALUATION STATEMENTS FOR ELEMENTS THAT ARE NOT PART OF THE LATERAL-FORCE-RESISTING SYSTEM

Address the following evaluation statements, marking each either true (T), false (F) or not applicable (N/A). Statements that are found to be true identify issues that are acceptable according to the criteria of these regulations; statements that are found to be false identify issues that need investigation. For guidance in the investigation, refer to the section number indicated in parentheses at the end of the statement.

NONSTRUCTURAL WALLS
Partitions

T F NA MASONRY PARTITIONS: There are no unbraced unreinforced masonry or hollow clay tile partitions in critical care areas, clinical laboratory service spaces, pharmaceutical service spaces, radiological service spaces, and central and sterile supply areas, exit corridors, elevator shafts or stairwells. (Section 10.1.1.1)

T F NA STRUCTURAL SEPARATIONS: At structural separations, partitions in exit corridors have seismic or control joints. (Section 10.1.1.2)

T F NA PARTITION BRACING: In exit corridors, the tops of partitions that extend only to the ceiling line have lateral bracing. (Section 10.1.1.3)

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Cladding and veneer

T F NA MASONRY VENEER: Masonry veneer is connected to the back-up with corrosion-resistant ties spaced 24 inches on center maximum with at least one tie for every $2^2/_3$ square feet. (Section 10.1.2.1)

T F NA CLADDING PANELS IN MOMENT FRAME BUILDINGS: For moment frame buildings of steel or concrete, panels are isolated from the structural frame to absorb predicted interstory drift without collapse. (Section 10.1.2.2)

T F NA CLADDING PANEL CONNECTIONS: Where bearing connections are required, there are at least two bearing connections for each cladding panel, and there are at least four connections for each cladding panel capable of resisting out-of-plane forces. (Section 10.1.2.3)

T F NA CLADDING PANEL CONDITION: Cladding panel connections appear to be installed properly. No connection element is severely deteriorated or corroded. There is no cracking in the panel materials indicative of substantial structural distress. There is no substantial damage to exterior cladding due to water leakage. There is no substantial damage to exterior wall cladding due to temperature movements. (Section 10.1.2.4)

Metal stud back-up systems

T F NA GENERAL: Additional steel studs frame window and door openings. Corrosion of veneer ties, tie screws, studs and stud tracks is minimal. Stud tracks are adequately fastened to the structural frame. (Section 10.1.3.1)

T F NA MASONRY VENEER WITH STUD BACK-UP: Masonry veneer more than 30 feet above the ground is supported by shelf angles or other elements at each floor level. Masonry veneer is adequately anchored to the back-up at locations of through-wall flashing. Masonry veneer is connected to the backup with corrosion-resistant ties spaced 24 inches on center maximum and with at least one tie for every $2^2/_3$ square feet. (Section 10.1.3.2)

T F NA MASONRY VENEER WITH CONCRETE BLOCK BACK-UP—GENERAL: The concrete block back-up qualifies as reinforced masonry. (Section 10.1.4.1)

T F NA MASONRY VENEER SUPPORT: Masonry veneer more than 30 feet above the ground is supported by shelf angles or other elements at each floor level. Masonry veneer is adequately anchored to the back-up at locations of through-wall flashing. Masonry veneer is connected to the back-up with corrosion-resistant ties spaced 24 inches on center maximum and with at least one tie for every $2^2/_3$ square feet. The concrete block back-up is positively anchored to the structural frame at 4-foot maximum intervals along the floors and roofs. (Section 10.1.4.2)

Other veneer/panel systems

T F NA THIN STONE VENEER PANELS: Stone anchorages are adequate for computed loads. (Section 10.1.5.1)

T F NA WOOD/AGGREGATE PANELS: There is no visible deterioration of screws or wood at panel attachment points. (Section 10.1.5.2)

Parapets, cornices, ornamentation and appendages

T F NA PARAPETS, CORNICES, ORNAMENTATION AND APPENDAGES: There are no laterally unsupported unreinforced masonry parapets or cornices above the highest anchorage level with height/thickness ratios greater than 1.5. Concrete parapets with height/thickness ratios greater than 1.5 have vertical reinforcement. Cornices, parapets, signs and other appendages that extend above the highest anchorage level or cantilever from exterior wall faces and other exterior wall ornamentation are reinforced and well anchored to the structural system. (Section 10.1.6)

T F NA MEANS OF EGRESS: Canopies are anchored and braced to prevent collapse and blockage of building exits. (Section 10.1.7)

APPENDIX

H HAZUS AEBM REGULATIONS

6-A1 HAZUS AEBM technology. The Federal Emergency Management Agency (FEMA)/National Institute of Building Sciences (NIBS) Multi-Hazard Loss Estimation Technology (HAZUS-MH MR2) and, specifically, the HAZUS Advanced Engineering Building Module (AEBM) are used by the Office with building-specific parameters, described in this appendix, to evaluate the Probability of Collapse of SPC-1 buildings.

6-A2 Probability of collapse. The Probability of Collapse, P[COL], is calculated by Equation (A6-1):

$$P[COL] = P[COL|STR_5] \times P[STR_5] \quad \text{(A6-1)}$$

where:

$P[COL|STR_5]$ = collapse factor of the HAZUS AEBM, as modified herein, and

$P[STR_5]$ = probability of Complete Structural Damage, based on HAZUS AEBM methods and parameters, as modified herein.

6-A3 Building-specific properties. Building-specific properties are based on the building type (structural system), or Model Building Type (MBT), building height (number of stories above seismic base), building age (pre-1933, 1933–1961 or post-1961 design vintage), availability of materials testing data, and Significant Structural Deficiencies.

Table A6-1 lists Significant Structural Deficiencies. Table A6-1 includes older buildings (pre-1933 buildings) and buildings that do not have available materials test data, and treats these conditions as Significant Structural Deficiencies.

SPC-1 buildings with no Significant Structural Deficiencies are evaluated using "Baseline" values of building-specific properties. SPC-1 buildings with one or more Significant Structural Deficiencies are evaluated using Sub-Baseline (SubBase), or Ultra-Sub-Baseline (USB) building-specific properties, as specified in Table A6-1.

Building-specific properties include parameters related to (1) building capacity, (2) building response, (3) Complete Structural Damage, and (4) building collapse. Appendix H Sections 6-A4 through 6-A7 define the parameters of interest related to building capacity, building response, Complete Structural Damage, and building collapse, respectively, and specify appropriate values of these parameters.

6-A4. Building capacity. Building-specific capacity properties of interest include the yield capacity control point (D_y, A_y) and the ultimate capacity control point (D_u, A_u), as calculated by Equations (A6-2 through A6-5, respectively):

$$A_y = C_s \cdot \gamma/\alpha_1 \quad \text{(A6-2)}$$

$$D_y = 9.8 \cdot A_y \cdot T_e^2 \quad \text{(A6-3)}$$

$$A_u = \lambda \cdot A_y \quad \text{(A6-4)}$$

$$D_u = \lambda \cdot \mu \cdot D_y \quad \text{(A6-5)}$$

where:

C_s = seismic design coefficient — values of C_s are given in Tables A6-2a and A6-2b, respectively,

α_1 = modal weight factor, Alpha 1 — values of α_1 are given in Table A6-4,

T_e = elastic period, in seconds — values of T_e are given in Table A6-3,

γ = yield strength factor, Gamma — values of γ are given in Table A6-5,

λ = "overstrength" factor, Lambda — values of λ are given in Table A6-5, and

μ = "ductility" factor, Mu — values of μ are given in Table A6-6.

6-A5 Building response. Building-specific response parameters of interest include the elastic damping factor, β_E, and the degradation factor, Kappa. Values of β_E are given in Table A6-7 and values of the Kappa factor are given in Table A6-8.

6-A-6 Complete structural damage. Building-specific damage parameters of interest include the median spectral displacement of the Complete Structural Damage state, S_{dC}, and the associated lognormal standard deviation (Beta) factor, β_C. Values of β_C are given in Table A6-11. Median spectral displacement at the Complete Structural Damage state, S_{dC}, is calculated using Equation (A6-6):

$$S_{d,C} = \Delta_C \cdot H_R \cdot \alpha_2/\alpha_3 \quad \text{(A6-6)}$$

where:

Δ_C = interstory drift ratio (of the story with maximum drift) at the threshold of Complete Structural Damage — values of Δ_C are given in Table A6-9,

H_R = height of building at the roof level, in inches — default values of H_R are given in Table A6-3 as a function of the number of stories above grade,

α_2 = modal height factor, Alpha 2 — values of α_2 are given in Table A6-4, and

α_3 = modal shape factor, Alpha 3, relating maximum-story drift and roof drift, values of α_3 are given in Table A6-10.

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6-A-7 Building collapse. Building-specific values of the collapse factor, P[COL|STR_5], that describe the fraction of the building likely to be collapsed given that the building has reached the Complete Structural Damage state, STR_5, are given in Table A6-12.

TABLE A6-1—SIGNIFICANT STRUCTURAL DEFICIENCY MATRIX

SIGNIFICANT STRUCTURAL DEFICIENCY/CONDITION[1]	CAPACITY		RESPONSE		STRUCTURAL DAMAGE - COMPLETE DAMAGE STATE						COLLAPSE	
	Over-Strength		Duration		Fragility Curve Median[4]				Fragility Curve Variability - Beta Factor (β_c)		Collapse Factor (P[COL |: STR_5])	
	Gamma and Lambda Factors		Degradation (Kappa) Factor		Maximum Story Drift Ratio (Δ_c)		Mode Shape (Alpha 3) Factor					
	SubBase	USB	SubBase	USB[5]	SubBase	USB	SubBase	USB[6]	SubBase	USB[5]	SubBase	USB[6]
Age (Pre-1933 buildings)	X	X[7]										
Materials Testing (None)	X								X			
No Redundancy									X		X	X[6]
Weak Story Irregularity					X		X	X[6]			X	X[6]
Soft Story Irregularity					X		X	X[6]			X	X[6]
Mass Irregularity					X							
Vertical Discontinuity	X				X							
Torsional Irregularity						X					X	X[6]
Deflection Incompatibility[2]					X				X		X	X[6]
Short Column[3]	X					X						
Wood Deterioration		X	X									
Steel Deterioration		X	X									
Concrete Deterioration		X	X									
Weak Column-Steel	X				X							
Weak Column-Concrete	X		X		X							
No Cripple Wall Bracing					X		X	X[6]			X	X[6]
Topping Slab	X		X						X		X	X[6]
Inadequate Wall Anchorage/Parapet Bracing		X							X			
Load Path/ Diaphragm Openings									X		X	X[6]
URM Wall Thickness Ratio											X	X[6]

1. Sub-Baseline (SubBase) and Ultra-Sub-Baseline (USB) properties are based on one, or more, significant structural deficiencies.
2. The Deflection Incompatibility structural deficiency applies only to concrete systems (C1, C2 and C3).
3. The Short Column structural deficiency applies only to concrete and masonry systems (C1, C2, C3, RM1 and RM2).
4. Effects of deficiencies related to drift and mode shape limited to a combined factor of 5 reduction in Complete median (of HAZUS default value).
5. Grey shading indicates USB performance is not defined/used for deficiencies related to degradation (kappa) and fragility curve (beta) factors.
6. USB performance required for systems with multiple, SubBase deficiencies related to either the mode shape (Alpha 3) factor or the collapse rate.
7. USB performance required for pre-1933 buildings with other over-strength-related deficiencies (else use SubBase performance for pre-1933 buildings).

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TABLE A6-2a—SEISMIC DESIGN COEFFICIENT, C_s UBC SEISMIC ZONE 4						
NO. OF STORIES	Seismic Design Coefficient, C_s - UBC Seismic Zone 4 Locations (Zone 3 of older editions of the UBC)					
	Structural System (MBT)					
	S1 and C1		S2, S3, S4, S5, C2 and C3 (MH)		W1, W2, PC1, PC2, RM1, RM2, URM	
	Post-61	Pre-61	Post-61	Pre-61	Post-61	Pre-61
1	0.072	0.109	0.100	0.109	0.133	0.109
2	0.057	0.092	0.100	0.092	0.133	0.092
3	0.050	0.080	0.086	0.080	0.114	0.080
4	0.045	0.071	0.078	0.071	0.104	0.071
5	0.042	0.063	0.073	0.063	0.098	0.063
6	0.040	0.057	0.069	0.057	0.092	0.057
7	0.038	0.052	0.066	0.052	0.088	0.052
8	0.036	0.048	0.064	0.048	0.085	0.048
9	0.035	0.044	0.062	0.044	0.082	0.044
10	0.034	0.041	0.060	0.041	0.080	0.041
11	0.032	0.039	0.058	0.039	0.078	0.039
12	0.032	0.036	0.057	0.036	0.076	0.036
13	0.031	0.034	0.056	0.034	0.074	0.034
14	0.030	0.032	0.055	0.032	0.073	0.032
15	0.029	0.031	0.054	0.031	0.072	0.031
16	0.029	0.029	0.053	0.029	0.070	0.029
17	0.028	0.028	0.052	0.028	0.069	0.028
18	0.028	0.027	0.051	0.027	0.068	0.027
19	0.027	0.026	0.051	0.026	0.067	0.026
> = 20	0.027	0.024	0.050	0.039	0.067	0.024

TABLE A6-2b—SEISMIC DESIGN COEFFICIENT, C_s UBC SEISMIC ZONE 3						
NO. OF STORIES	Seismic Design Coefficient, C_s - UBC Seismic Zone 3 Locations (Zone 2 of older editions of the UBC)					
	Structural System (MBT)					
	S1 and C1		S2, S3, S4, S5, C2 and C3 (MH)		W1, W2, PC1, PC2, RM1, RM2, URM	
	Post-61	Pre-61	Post-61	Pre-61	Post-61	Pre-61
1	0.036	0.055	0.050	0.055	0.066	0.055
2	0.028	0.046	0.050	0.046	0.066	0.046
3	0.025	0.040	0.043	0.040	0.057	0.040
4	0.023	0.035	0.039	0.035	0.052	0.035
5	0.021	0.032	0.037	0.032	0.049	0.032
6	0.020	0.029	0.035	0.029	0.046	0.029
7	0.019	0.026	0.033	0.026	0.044	0.026
8	0.018	0.024	0.032	0.024	0.043	0.024
9	0.017	0.022	0.031	0.022	0.041	0.022
10	0.017	0.021	0.030	0.021	0.040	0.021
11	0.016	0.019	0.029	0.019	0.039	0.019
12	0.016	0.018	0.029	0.018	0.038	0.018
13	0.015	0.017	0.028	0.017	0.037	0.017
14	0.015	0.016	0.027	0.016	0.036	0.016
15	0.014	0.015	0.027	0.015	0.036	0.015
16	0.014	0.015	0.026	0.015	0.035	0.015
17	0.014	0.014	0.026	0.014	0.035	0.014
18	0.014	0.013	0.026	0.013	0.034	0.013
19	0.014	0.013	0.025	0.013	0.034	0.013
> = 20	0.013	0.012	0.025	0.012	0.033	0.012

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TABLE A6-3—DEFAULT BUILDING HEIGHTS AND ELASTIC PERIODS														
NO. OF STORIES	DEFAULT BUILDING HEIGHT, H_R, AND ELASTIC PERIOD, T_e. PROPERTIES													
	Structural System (MBT)													
	W1 AND W2 (MH)		S1		C1		S2		S4 AND S5		C2, C3, PC2, RM1, RM2, URM		S3 AND PC1	
	H_R (ft)	T_e (sec)	H_R (ft)	T_e (sec)	H_R (ft)	T_e (sec)	H_R (ft)	T_e (sec)	H_R (ft)	T_e (sec)	H_R (ft)	T_e (sec)	H_R (ft)	T_e (sec)
1	**14**	**0.35**	**14**	**0.40**	**12**	**0.40**	**14**	**0.40**	**14**	**0.35**	**12**	**0.35**	**15**	**0.35**
2	24	0.38	24	0.50	20	0.40	24	0.43	24	0.35	20	0.35	25	0.39
3	34	0.49	36	0.69	30	0.48	36	0.59	36	0.44	30	0.39	35	0.50
4	44	0.60	48	0.87	40	0.62	48	0.73	48	0.55	40	0.48		
5	54	0.70	60	1.04	50	0.76	60	0.86	60	0.65	50	0.57		
6			72	1.20	60	0.89	72	0.99	72	0.74	60	0.65		
7			84	1.36	70	1.03	84	1.11	84	0.84	70	0.73		
8			96	1.51	80	0.16	96	1.22	96	0.92	80	0.81		
9			108	1.66	90	1.29	108	1.34	108	1.01	90	0.88		
10			120	1.81	100	1.41	120	1.45	120	1.09	100	0.95		
11			132	1.95	110	1.54	132	1.55	132	1.17	110	1.02		
12			144	2.09	120	1.67	144	1.66	144	1.25	120	1.09		
13			156	2.23	130	1.79	156	1.76	156	1.33	130	1.16		
14			168	2.36	140	1.91	168	1.86	168	1.40	140	1.23		
15			180	2.50	150	2.04	180	1.96	180	1.48	150	1.29		
16			192	2.63	160	2.16	192	2.06	192	1.55	160	1.35		
17			204	2.76	170	2.28	204	2.15	204	1.62	170	1.42		
18			216	2.89	180	2.40	216	2.25	216	1.70	180	1.48		
19			228	3.02	190	2.52	228	2.34	228	1.77	190	1.54		
> = 20			240	3.14	200	2.64	240	2.43	240	1.84	200	1.60		

TABLE A6-4—ALPHA 1 AND ALPHA 2, MODAL FACTORS						
NO. OF STORIES	ALPHA 1 (α_1) - MODAL WEIGHT FACTOR				ALPHA 2 (α_2) - MODAL HEIGHT FACTOR	
	Structural System (MBT)				Structural System (MBT)	
	S1 and C1	W1, W2, S2, S3, S4, C2, C3, PC2, RM1 and RM2	PC1 and URM	MH	MH	All Systems (except MH)
1	0.75	0.8	0.75	1.00	1.00	0.75
2	0.75	0.8	0.75			0.75
3	0.75	0.8	0.75			0.75
4	0.75	0.8				0.75
5	0.75	0.8				0.75
6	0.73	0.79				0.72
7	0.71	0.78				0.69
8	0.69	0.77				0.66
9	0.67	0.76				0.63
10	0.65	0.75				0.60
11	0.65	0.75				0.60
12	0.65	0.75				0.60
13	0.65	0.75				0.60
14	0.65	0.75				0.60
> =15	0.65	0.75				0.60

TABLE A6-5—LAMBDA FACTOR																
NO. OF STORIES	Gamma Factor (γ)	LAMBDA FACTOR (γ)														
		Baseline Performance					SubBase Performance					USB Performance				
		Structural System (MBT)					Structural System (MBT)					Structural System (MBT)				
		W1, S1, C1	W2, C2	S4, C3	Other MBT	PC1, URM	W1, S1, C1	W2, C2	S4 C3	Other MBT	PC1, URM	W1, S1, C1	W2, C2	S4 C3	Other MBT	PC1, URM
1	2.70	2.00	2.00	1.83	1.67	1.33	1.75	1.75	1.63	1.50	1.25	1.50	1.50	1.42	1.33	1.17
2	2.50	2.00	2.00	1.83	1.67	1.33	1.75	1.75	1.63	1.50	1.25	1.50	1.50	1.42	1.33	1.17
3	2.25	2.00	2.00	1.83	1.67	1.33	1.75	1.75	1.63	1.50	1.25	1.50	1.50	1.42	1.33	1.17
4	2.00	2.00	2.00	1.83	1.67	1.33	1.75	1.75	1.63	1.50	1.25	1.50	1.50	1.42	1.33	1.17
5	1.88	2.00	2.00	1.83	1.67	1.33	1.75	1.75	1.63	1.50	1.25	1.50	1.50	1.42	1.33	1.17
6	1.80	2.00	2.00	1.83	1.67	1.33	1.75	1.75	1.63	1.50	1.25	1.50	1.50	1.42	1.33	1.17
7	1.75	2.00	2.00	1.83	1.67	1.33	1.75	1.75	1.63	1.50	1.25	1.50	1.50	1.42	1.33	1.17
8	1.71	2.00	2.00	1.83	1.67	1.33	1.75	1.75	1.63	1.50	1.25	1.50	1.50	1.42	1.33	1.17
9	1.69	2.00	2.00	1.83	1.67	1.33	1.75	1.75	1.63	1.50	1.25	1.50	1.50	1.42	1.33	1.17
10	1.67	2.00	2.00	1.83	1.67	1.33	1.75	1.75	1.63	1.50	1.25	1.50	1.50	1.42	1.33	1.17
11	1.65	2.00	2.00	1.83	1.67	1.33	1.75	1.75	1.63	1.50	1.25	1.50	1.50	1.42	1.33	1.17
12	1.65	2.00	2.00	1.83	1.67	1.33	1.75	1.75	1.63	1.50	1.25	1.50	1.50	1.42	1.33	1.17
13	1.65	2.00	2.00	1.83	1.67	1.33	1.75	1.75	1.63	1.50	1.25	1.50	1.50	1.42	1.33	1.17
14	1.65	2.00	2.00	1.83	1.67	1.33	1.75	1.75	1.63	1.50	1.25	1.50	1.50	1.42	1.33	1.17
> = 15	1.65	2.00	2.00	1.83	1.67	1.33	1.75	1.75	1.63	1.50	1.25	1.50	1.50	1.42	1.33	1.17

TABLE A6-6—DUCTILITY FACTOR *Mu*	
NO. OF STORIES	*Mu* (μ) FACTOR (All Systems)
1	6.00
2	6.00
3	4.94
4	4.41
5	4.07
6	3.82
7	3.63
8	3.48
9	3.35
10	3.24
11	3.15
12	3.07
13	3.00
14	3.00
> = 15	3.00

TABLE A6-7—ELASTIC DAMPING	
STRUCTURAL SYSTEM (MBT)	β_E ELASTIC DAMPING (% of Critical)
S1, S2, S3 and S4	5
C1, C2, PC1 and PC2	7
RM1 and RM2	7
C3 and S5	7
W1 and W2	10

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TABLE A6-8—DEGRADATION KAPPA FACTORS					
SCENARIO EARTHQUAKE CRITERIA		DEGRADATION (Kappa) FACTORS - (κ_S, κ_M and κ_L)			
Minimum Distance Site to Fault[1] (km)	Maximum Magnitude[2]	Baseline Performance		SubBase Performance	
		Post-61	Pre-1961	Post-61	Pre-1961
< 5	All	0.8	0.7	0.6	0.5
5 - 10	$M_{max} \leq 6.5$	0.8	0.7	0.6	0.5
5 - 10	$M_{max} > 6.5$	0.7	0.6	0.5	0.4
10 - 25	$M_{max} \leq 6.5$	0.7	0.6	0.5	0.4
10 - 25	$7.0 \geq M_{max} > 6.5$	0.6	0.5	0.4	0.3
10 - 25	$M_{max} < 7.0$	0.5	0.4	0.3	0.2
25 - 50	$M_{max} \leq 7.0$	0.5	0.4	0.3	0.2
25 - 50	$M_{max} > 7.0$	0.4	0.3	0.2	0.1
> 50	All	0.4	0.3	0.2	0.1

1. Minimum distance to the fault that controls 1-second period ground motions at the building site.
2. Maximum magnitude (M_{max}) of fault that controls 1-second ground motions at the building site.

TABLE A6-9—INTERSTORY DRIFT RATIO — MEDIAN COMPLETE STRUCTURAL DAMAGE						
STRUCTURAL SYSTEM (MBT)	INTERSTORY DRIFT RATIO (max story) - MEDIAN COMPLETE STRUCTURAL DAMAGE (DC)					
	Baseline Performance		SubBase Performance		USB Performance	
	Post-61	Pre-61	Post-61	Pre-61	Post-61	Pre-61
W1 and W2 (MH)	0.075	0.075	0.060	0.060	0.038	0.038
S1, C1, S2 and C2	0.060	0.050	0.050	0.040	0.030	0.025
S3, S4, PC1, PC2, RM1 and RM2	0.053	0.044	0.044	0.035	0.027	0.022
S5, C3 and URM		0.035		0.028		0.018

TABLE A6-10—ALPHA 3 (α 3) MODAL SHAPE FACTOR									
No. of Stories	ALPHA 3 (α_3) MODAL SHAPE FACTOR - RATION OF MAXIMUM INTERSTORY DRIFT TO AVERAGE INTERSTORY DRIFT								
	When Combined with Baseline Interstory Drift Ratios (Table A6-9)			When Combined with SubBase Interstory Drift Ratios (Table A6-9)			When Combined with USB Interstory Drift Ratios (Table A6-9)		
	Baseline Performance	SubBase Performance	USB Performance	Baseline Performance	SubBase Performance	USB Performance	Baseline Performance	SubBase Performance	USB Performance
1	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
2	1.21	1.62	2.03	1.21	1.62	2.03	1.21	1.62	2.03
3	1.35	2.04	2.73	1.35	2.04	2.73	1.35	2.04	2.50
4	1.45	2.36	3.27	1.45	2.36	3.27	1.45	2.36	2.50
5	1.54	2.63	3.72	1.54	2.63	3.72	1.54	2.50	2.50
6	1.62	2.87	4.11	1.62	2.87	4.00	1.62	2.50	2.50
7	1.69	3.07	4.46	1.69	3.07	4.00	1.69	2.50	2.50
8	1.75	3.26	4.77	1.75	3.26	4.00	1.75	2.50	2.50
9	1.81	3.43	5.00	1.81	3.43	4.00	1.81	2.50	2.50
10	1.86	3.59	5.00	1.86	3.59	4.00	1.86	2.50	2.50
11	1.91	3.73	5.00	1.91	3.73	4.00	1.91	2.50	2.50
12	1.96	3.87	5.00	1.96	3.87	4.00	1.96	2.50	2.50
13	2.00	4.00	5.00	2.00	4.00	4.00	2.00	2.50	2.50
14	2.04	4.12	5.00	2.04	4.00	4.00	2.04	2.50	2.50
> = 15	2.08	4.23	5.00	2.08	4.00	4.00	2.08	2.50	2.50

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TABLE A6-11—LOGNORMAL STANDARD DEVIATION (BETA) VALUES — COMPLETE STRUCTURAL DAMAGE				
NO. OF STORIES	LOGNORMAL STANDARD DEVIATION (BETA) VALUES — COMPLETE STRUCTURAL DAMAGE (β_c)			
	Baseline Performance		SubBase Performance	
	Post-61	Pre-61	Post-61	Pre-61
1	0.85	0.90	0.95	1.00
2	0.85	0.90	0.95	1.00
3	0.85	0.90	0.95	1.00
4	0.84	0.89	0.94	0.99
5	0.83	0.88	0.93	0.98
6	0.82	0.87	0.92	0.97
7	0.81	0.86	0.91	0.96
8	0.80	0.85	0.90	0.95
9	0.79	0.84	0.89	0.94
10	0.78	0.83	0.88	0.93
11	0.77	0.82	0.87	0.92
12	0.76	0.81	0.86	0.91
13	0.75	0.80	0.85	0.90
14	0.75	0.80	0.85	0.90
> =15	0.75	0.80	0.85	0.90

TABLE A6-12—COLLAPSE FACTOR			
STRUCTURAL SYSTEM (MBT)	COLLAPSE FACTOR - LIKELIHOOD OF COLLAPSE GIVEN COMPLETE STRUCTURAL DAMAGE - P[COL|STR_5]		
	Baseline Performance	SubBase Performance	USB Performance
W1 and W2	0.05	0.10	0.20
S1, S2, S3, S4 and S5	0.08	0.15	0.30
C1, C2 and C3	0.13	0.25	0.50
RM1 and RM2	0.13	0.25	0.50
PC1 and PC2	0.15	0.30	0.60

HISTORY NOTE APPENDIX FOR CHAPTER 6

Administrative Regulations for the Office of Statewide Hospital Planning and Development
California Code of Regulations, Title 24, Part 1

HISTORY:

The history notes for prior changes remain within the text of this code.

1. (OSHPD 1/96) Adoption of Chapter 6, Seismic Evaluation Procedures for Hospital Buildings, Part 1, Title 24, C.C.R. Filed with the secretary of state on April 8, 1997, effective April 8, 1997. Approved by the California Building Standards Commission on February 6, 1997.
2. (OSHPD 1/97) New Article 1-Definitions and Requirements based on SB 1953. Approved by the California Building Standards Commission on March 18, 1998. Filed with the Secretary of State on March 25, 1998, effective March 25, 1998.
3. (BSC 2/99) Article 1-7, Conflict of Interest Code. Amend Section 1-701. Approved by the Fair Political Practices Committee on October 29, 1999. Filed with the Secretary of State on December 31, 1999, effective January 30, 2000.
4. (OSHPD EF 1/00) Part 1, Chapter 6, Articles 1, 10, 11 and Appendix. Approved as submitted by the California Building Standards Commission on February 28, 2000. Filed with the Secretary of State on March 3, 2000, effective March 3, 2000. Permanent approval by California Building Standards Commission on May 24, 2000. Certification of Compliance filed with Secretary of State May 26, 2000.
5. (OSHPD EF 2/00) Part 1, Amend Chapter 6, Articles 1, 2, 10 and 11. Emergency approval by the California Building Standards Commission on May 24, 2000. Filed with the Secretary of State on May 26, 2000, effective May 26, 2000. Permanent approval by California Building Standards Commission September 20, 2000. Certification of Compliance filed with Secretary of State November 15, 2000.
6. (OSHPD EF 5/01) Emergency adoption of amendments to hospital seismic safety evaluation regulations contained in Title 24, C.C.R., Part 1, Chapter 6. Approved by the California Building Standards Commission on November 28, 2001. Filed with the Secretary of State on December 4, 2001, effective December 4, 2001.
7. 1(OSHPD EF 01/02) Amend Chapter 6 and 7 of Part 1. Approved as emergency by the California Building Standards Commission on January 15, 2003, and filed with the Secretary of State on January 16, 2003. Effective January 16, 2003.
8. (OSHPD EF 01/02) Amend Chapters 6 and 7 of Part 1. Approved as permanent emergency by the California Building Standards Commission. Permanent approval on May 14, 2003. Certification of Compliance filed with the Secretary of State on May 15, 2003. Effective January 16, 2003.
9. (OSHPD EF 01/05) Amend Part 1, Chapter 6, Article 11 and Table 11.1. Approved as emergency by the California Building Standards Commission on December 13, 2005. Filed with the Secretary of State on December 14, 2005 with an effective date of December 14, 2005.
10. (OSHPD EF 01/05) Amend Part 1, Chapter 6, Article 11 and Table 11.1. Re-adopted/approved as emergency by the California Building Standards Commission on March 22, 2006. Filed with the Secretary of State on March 30, 2006 with an effective date of March 30, 2006.
11. (OSHPD 01/04) Amend Article 1 for nonconforming hospital buildings. Filed with Secretary of State on May 23, 2006, and effective on the 30th day after filing with the Secretary of State.
12. (OSHPD EF 01/05) Amend Title 24, Part 1, Chapter 6, Article 11 and Table 11.1. The language for the permanent rule will remain effective and unchanged from the readoption/approval of Emergency Finding (OSHPD EF 01/05) Supplement dated May 30, 2006. Approved as permanent by the California Building Standards Commission on July 27, 2006 and filed with the Secretary of State on July 28, 2006.
13. (OSHPD EF 01/07) Amend Title 24, Part 1, Chapter 6, Article 1, Article 2, Article 4, Article 6, Article 11, Table 11.1. Approved by the California Building Standards Commission on July 19, 2007. Filed with the Secretary of State July 20, 2007, effective January 1, 2008.
14. (OSHPD EF 01-07) Amend Title 24, Part 1, Chapter 6, Article 1, Article 2, Article 4, Article 6, Article 11 and Table 11.1. Approved by the California Building Standards Commission on July 19, 2007. Filed with the Secretary of State on July 20, 2007, effective January 1, 2008. It was approved as permanent by the California Building Standards Commission on May 21, 2008 and filed with the Secretary of State on May 23, 2008.
15. (OSHPD EF 02/07) Amend Title 24, Part 1, Chapter 6, definitions added and Chapter amended throughout with a new Appendix H to Chapter 6. Approved as an emergency regulation by the California Building Standards Commission on November 14, 2007, filed with the Secretary of State on November 29, 2007. Effective November 29, 2007. It was approved as permanent by the California Building Standards Commission on May 21, 2008 and filed with the Secretary of State on May 23, 2008.
16. (OSHPD 08/09) Amend Title 24, Part 1, Chapter 6 with amendments throughout. Effective on February 13, 2010.
17. (OSHPD EF 01/10) Amend Title 24, Part 1, Chapter 6 with updates to HAZUS standards pursuant to SB 499 (Chapter 601, Statutes of 2009). Effective on February 13, 2010.
18. (OSHPD 02/10) Amend Article 1, Title 24, Chapter 6, effective on August 28, 2011.
19. (OSHPD 01/12 and OSHPD 03/12) Amend Chapter 6, Seismic Evaluation Procedures for Hospital Buildings. Approved by the California Building Standards Commission on January 23, 2013, filed with the Secretary of State on January 28, 2013, and effective 30 days after filing with Secretary of State.

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20. (OSHPD 04/15) Amend Chapter 6, Seismic Evaluation Procedures for Hospital Buildings. Article 1: Section 1.2, 1.3, 1.4.5.1, 1.4.5.1.1, 1.4.5.1.2, 1.4.5.1.3, 1.4.5.1.4, 1.4.5.1.5, 1.5.1, 2.1.2, 2.1.2.1, 2.1.2.2, 2.7, Table 2.5.3, 11.2.2. Approved by the California Building Standards Commission on December 16, 2015, filed with the Secretary of State on December 21, 2015, and effective 30 days after filing with the Secretary of State.
21. 2018 Triennial Code Adoption Cycle (OSHPD 01/18) Amend Chapter 6, Article 1, Sections 1.2, 1.3, 1.4.5.1, 1.4.5.1.1, 1.4.5.1.3, 1.4.5.1.5, 1.5.1 and 1.5.2; Article 2, Sections 2.1.2.1, 2.1.2.2, Table 2.5.3 and 2.7; Article 11, Table 11.1, Sections 11.2.2, 11.2.3 and 11.2.4. Approved by the California Building Standards Commission on December 4, 2018, filed with the Secretary of State on December 7, 2018, and effective 180 days after filing with the Secretary of State pursuant to *California Health and Safety Code*, Section 18938.
22. 2019 Intervening Cycle Update (OSHPD 01/19) Adoption of amendments to the 2019 California Administrative Code (CAC). Approved by the California Building Standards Commission on July 13, 2020, published on January 1, 2021, effective 30 days after filing with Secretary of State.
23. (OSHPD 01/22) Amend Chapter 6, Article 1 Sections 1.2, 1.4.5, Adopt Chapter 6 Article 1, Sections 1.9, 1.10, 1.11, and 1.12. Approved by the California Building Standards Commission on June 27, 2023, filed with the Secretary of State on June 30, 2023, and effective 30 days after filing with Secretary of State.
24. (OSHPD 03/24) Amend Chapter 6, Article 1: Sections 1.2, 1.3, 1.4, 1.5.2, 1.9, 1.9.1, 1.10; Article 11: Sections 11.2.3, 11.3.1, 11.3.2. Repeal Chapter 6, Article 11: Section 11.3.5. Add Chapter 6, Article 1: Section 1.9.2; Article 11: Section 11.4. Approved by the California Building Standards Commission on February 26, 2025, filed with the Secretary of State on February 27, 2025, and effective 30 days after filing with Secretary of State.

CHAPTER

7 SAFETY STANDARDS FOR HEALTH FACILITIES

ARTICLE 1—GENERAL

7-101. Scope. The regulations in this part shall apply to the administrative procedures necessary to implement the Alfred E. Alquist Act of 1983 and to comply with State Building Standards Law.

Sections 129680 and 129850, Health and Safety Code, authorizes the OSHPD to enforce and amend the *California Building Standards Code* for the safety of hospitals, skilled nursing facilities and intermediate care facilities.

Unless otherwise stated, all references to sections of statute are sections found in the Health and Safety Code.

Authority: Health and Safety Code Sections 127015 and 129850.

Reference: Health and Safety Code Sections 129675–129998.

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-101. Filed with the secretary of state on August 14, 1996, becomes effective September 18, 1996. Approved by the California Building Standards Commission on March 19, 1996.

7-103. Jurisdiction. The following are within the jurisdiction of Office of Statewide Health Planning and Development:

(a) For development of regulations in the *California Building Standards Code* and enforcement thereof.

1. Hospital buildings as defined by Section 129725, Health and Safety Code. Correctional Treatment Centers shall certify to the Office in compliance with Section 7-156.
2. Skilled nursing facilities as specified in paragraphs (2) and (3) of subdivision (b) of Section 129725, Health and Safety Code.
3. Intermediate care facilities as specified in paragraphs (2) and (3) of subdivision (b) of Section 129725, Health and Safety Code.

(b) For development of regulations in the *California Building Standards Code.*

1. Clinics, as defined by Section 1200 and 129725 (b) (1), Health and Safety Code, are under the jurisdiction of the local building official for enforcement, except as otherwise specified in Article 21, Section 7-2104 (d) of this chapter.

   Exception: When licensed under an acute care hospital and serving more than 25 percent inpatients pursuant to Sections 129725 (b) (1) and 129730, Health and Safety Code, the Office shall retain jurisdiction for enforcement.
2. Correctional Treatment Centers, as defined by Section 129725 (b) 6, 7 (A) or 7 (B), Health and Safety Code, operated by or to be operated by a law enforcement agency of a city, county or a city and county are under the jurisdiction of the local enforcing agency for enforcement.

Correctional Treatment Centers shall certify to the Office in compliance with Section 7-156.

(c) For hospital buildings, skilled nursing facilities and intermediate care facilities, the Office shall also enforce the regulations of the *California Building Standards Code* as adopted by the California Energy Commission, the Office of the State Fire Marshal and the Division of the State Architect/Access Compliance Section, for Energy Conservation, fire and life safety and accessibility compliance for persons with disabilities, respectively.

Correctional Treatment Centers shall certify to the Office in compliance with Section 7-156.

Authority: Health and Safety Code Sections 127015 and 129850.

Reference: Health and Safety Code Sections 129675–129998.

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-103. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.
2. (OSHPD 2/96) 1996 Annual Code Adoption Cycle will amend Section 7-103, of Part 1, Title 24, C.C.R. Filed with the secretary of state on March 4, 1997; effective April 3, 1997. Approved by the California Building Standards Commission on February 6, 1997.

7-104. Alternate method of compliance. The provisions of the *California Building Standards Code* (CBSC) are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by the CBSC, provided written approval for such alternate method has been granted by the Office. Alternate methods include Alternate Means of Protection, Alternate Method of Compliance, Alternative System, designs required by regulations to be specifically approved by the enforcing agency, and Program Flexibility. A written request shall be submitted to the Office with an Alternate Method of Compliance form provided by the Office and supporting documentation as necessary to assist the Office in its review. The written request shall include substantiating evidence in support of the alternate. If the request is submitted prior to the submittal of construction documents, an Application for Plan Review form shall also be submitted with a fee pursuant to Section 7-133 (a) 3. A request approved by the Office shall be limited to the specific request and shall not be construed as establishing a precedent for any future requests. The provisions of the following sections shall also be met: Section 104.2.3 and Section 1224.2, *California Building Code*; Section 104.2.3, *California Existing Building Code*; Article 90.4, *California Electrical Code*; Section 105.0, *California Mechanical Code*; Section 301.4, *California Plumbing Code*; and Section 1.11.2.4, *California Fire Code.*

7-105. Authority. (Deleted)

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to delete Section 7-105. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

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7-107. Interpretation. No regulation shall be construed to deprive the Office of its right to exercise the powers conferred upon it by law, or to limit the Office in such enforcement as is necessary to secure safety of construction, as required by Division 107, Chapter 7 (commencing with Section 129675), Health and Safety Code.

Authority: Health and Safety Code Sections 127015 and 129850.

Reference: Health and Safety Code Sections 129675–129998.

7-109. Application of regulations.

(a) Except as otherwise provided, these regulations and all applicable parts of the *California Building Standards Code* shall be the basis for design, plan review and observation of construction of hospital buildings, skilled nursing facilities and intermediate care facilities.

(b) Additions, structural repairs, or alterations to existing health facilities shall be made in accordance with the provisions of the *California Existing Building Code.*

(c) Before any health facility not previously licensed under Section 1250 of the Health and Safety Code can be licensed and used as a health facility, the applicant shall provide substantiating documentation from a structural engineer that the building is in full conformance with the requirements of the *California Building Standards Code* for new buildings; if not, the building shall be reconstructed to conform to the requirements of the *California Building Standards Code.*

(d) Routine maintenance and repairs shall not require prior approval by the Office but shall be performed in compliance with the applicable provisions of the *California Building Standards Code.*

Authority: Health and Safety Code Sections 127015 and 129850.

Reference: Health and Safety Code Sections 129675–129998.

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-109. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

ARTICLE 2—DEFINITIONS

Unless otherwise stated, the words and phrases defined in this article shall have the meaning stated therein throughout the *California Building Standards Code*. Where terms are not defined in this code and are defined in the other California codes, such terms shall have the meanings ascribed to them in those codes.

7-111. Definitions.

ACTUAL CONSTRUCTION COST means the cost of all portions of a project to construct the work as shown on the approved construction documents and as necessary to comply with the *California Building Standards Code*, generally based upon the sum of the construction contract(s), when applicable, and other direct construction costs, including but not limited to mobilization, general and special conditions, supervision and management, overhead, markups and profit, demolition, building pad construction (including but not limited to grading, soil remediation, excavation, trenching, retaining, shoring, etc.), temporary construction and barriers, materials, supplies, machinery, construction equipment, labor cost or the wages paid to the workers doing the work, etc., as certified by the hospital governing board or authority. Construction cost does not include the compensation paid to the designer(s), inspector(s), plan review and building permit, the cost of the land, rights-of-way, work outside the scope of OSHPD's jurisdiction, mobile equipment and furnishings, or other costs which are defined in the contract documents as not a part of the work. Work requiring a plan approval and/or building permit issued by the Office which is identified as not in the scope of the work and/or not in contract (NIC) shall be performed under a separate building permit.

ADDITION means any work which increases the floor or roof area or the volume of enclosed space of an existing building.

ALTERATION means any change in an existing building which does not increase and may decrease the floor or roof area or the volume of enclosed space.

ALTERNATE METHOD OF COMPLIANCE means the approved use of an alternative material, method of construction, device or design to comply with an architectural, electrical, mechanical or plumbing regulation.

ALTERNATE MEANS OF PROTECTION means the approved use of an alternative material, assembly or method of construction to comply with a fire and life safety regulation pursuant to Section 111.2.4, California Chapter 1, *California Fire Code.*

ALTERNATIVE SYSTEM means the approved use of an alternative material, design or method of construction to comply with a structural regulation.

APPLICATION means any review, evaluation, or process for which the Office has established an application, filing fee, and/or review/process fee, in accordance with its authority in the *California Health and Safety Code.*

APPROVED CONSTRUCTION DOCUMENTS means all plans, specifications, amended construction documents and deferred submittals that have the written approval of the Office. The identification stamp of the Office shall not be construed to mean the written approval of plans required by Section 7-113.

ARCHITECT means a person licensed as an architect under Chapter 3 (commencing with Section 5500), Division 3, the *California Business and Professions Code*.

ASSIGNMENT means the project scope of services, expected results, completion time and the monetary limitation for the services.

ASSOCIATED STRUCTURAL ALTERATIONS means any change affecting existing structural elements or requiring new structural elements for vertical or lateral support of an otherwise nonstructural alteration.

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CANDIDATE means an applicant who is accepted by the Office as eligible to participate in a Hospital Inspector Certification Examination pursuant to the qualification criteria described in these regulations.

CIVIL ENGINEER means a person licensed as a civil engineer under Chapter 7 (commencing with Section 6700), Division 3, the *California Business and Professions Code*.

CONFORMING BUILDING means a building originally constructed in compliance with the requirements of the 1973 or subsequent edition of the *California Building Code* or classified as SPC-4D, as defined in Chapter 6 of this code.

CONSTRUCTION means any construction, reconstruction or alteration of, or addition or repair to any health facility.

DEFERRED SUBMITTALS see Section 7-126.

DIRECTOR means the Director of the Office of Statewide Health Planning and Development or the Director's designee authorized to act in his or her behalf.

ELECTRICAL ENGINEER means a person licensed as an electrical engineer under Chapter 7 (commencing with Section 6700), Division 3, the *California Business and Professions Cod*e.

EMERGENCY REPAIR [OSHPD 1, 2, 3 & 5] Repair to, or replacement of, an element of a building, structure, utility system, or equipment that is essential to the continued safe occupation and operation of a facility. May include repairs needed after a disaster.

ENGINEERING GEOLOGIST means a person certified as an engineering geologist under Chapter 12.5 (commencing with Section 7800), Division 3, the *California Business and Professions Code*, in that branch of engineering which is applicable.

ESTIMATED CONSTRUCTION COST means the cost estimate of actual construction cost proposed by an applicant for a construction project within the Office's jurisdiction.

FEE means the fees authorized in the *California Health and Safety Code,* and the *California Building Standards Code*.

FIRM includes any qualified corporation, legal entity, architect or engineer.

FREESTANDING means a structure that *is separated from any adjacent structures or buildings and* meets the following criteria: <

1. Structural separations comply with the applicable provisions of the *California Building Code.*
2. Fire-resistance-rated construction separations comply with the applicable provisions of the *California Building Standards Code.* <
3. Buildings on the same lot comply with the height and area limitations of the *California Building Code.* <

HEALTH FACILITY as used in this part and all applicable parts of the *California Building Standards Code* means any health facility licensed pursuant to Section 1250 of the Health and Safety Code under the jurisdiction of the Office.

(a) Hospital building includes:

1. **HOSPITAL BUILDING** as used in this part and other applicable parts of the *California Building Standards Code* means any building used for a health facility of a type required to be licensed pursuant to Section 1250 of the Health and Safety Code.
2. Except as provided in paragraph (7) of subdivision (b), hospital building includes a correctional treatment center, as defined in subdivision (j) of Section 1250, the construction of which was completed on or after March 7, 1973.

(b) **HOSPITAL BUILDING** does not include any of the following:

1. Any building in which outpatient clinical services of a health facility licensed pursuant to Section 1250 are provided that is freestanding from a building in which hospital services are provided. If any one or more outpatient clinical services in the building provide services to inpatients, the building shall not be included as a "hospital building" if those services provided to inpatients represent no more than 25 percent of the total outpatient visits provided at the building. Hospitals shall maintain on an ongoing basis, data on the patients receiving services in these buildings, including the number of patients seen, categorized by their inpatient or outpatient status. Hospitals shall submit this data annually to the Department of Public Health.
2. Any building used, or designed to be used, for a skilled nursing facility or intermediate care facility, if the building is of single-story, wood-frame or light steel frame construction.
3. Any building of single-story, wood-frame or light steel frame construction in which only skilled nursing or intermediate care services are provided if the building is separated from a building housing other patients of the health facility receiving higher levels of care.
4. Any freestanding structures of a chemical dependency recovery hospital exempted under the provisions of subdivision (c) of Section 1275.2.
5. Any building licensed to be used as an intermediate care facility/developmentally disabled habilitative with six beds or less and any intermediate care facility/developmentally disabled habilitative of 7 to 15 beds that is a single-story, wood-frame or light-steel frame building.
6. Any building subject to licensure as a correctional treatment center, as defined in subdivision (j) of Section 1250, the construction which was completed prior to March 7, 1973.
7.
   A. Any building that meets the definition of a correctional treatment center pursuant to subdivision (j) of Section 1250, for which the final design documents were completed or the construction of which was begun prior to January 1, 1994, operated by or to be operated by the Department of Corrections, the Department of the Youth Authority, or by a law enforcement agency of a city, county, or a city and county.

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B. In the case of reconstruction, alteration, or addition to the facilities identified in this paragraph, and paragraph (6) or any other building subject to licensure as a general acute care hospital, acute psychiatric hospital, correctional treatment center, or nursing facility, as defined in subdivisions (a), (b), (j) and (k) of Section 1250, operated or to be operated by the Department of Corrections, the Department of the Youth Authority, or by a law enforcement agency of city, a county, or city and county, only the reconstruction, alteration, or addition, itself, and not the building as a whole, nor any other aspect thereof, shall be required to comply with this chapter or the regulations adopted pursuant thereto.

HOSPITAL BUILDING SAFETY BOARD means the Board which shall advise the Director and, notwithstanding Health and Safety Code Section 13142.6 and except as provided in Section 18945, shall act as a board of appeals in all matters relating to the administration and enforcement of building standards relating to the design, construction, alteration and seismic safety of hospital building projects submitted to the Office pursuant to this chapter.

Further, notwithstanding Section 13142.6, the Board shall act as the board of appeals in matters relating to all fire and panic safety regulations and alternate means of protection determinations for hospital building projects submitted to the Office pursuant to this chapter.

The Board shall consist of 16 members appointed by the Director of the Office. Of the appointive members, two shall be structural engineers, two shall be architects, one shall be an engineering geologist, one shall be a geotechnical engineer, one shall be a mechanical engineer, one shall be an electrical engineer, one shall be a hospital facilities manager, one shall be a local building official, one shall be a general contractor, one shall be a fire and panic safety representative, one shall be a hospital inspector of record and three shall be members of the general public.

There shall be six ex officio members of the Board, who shall be the Director of the Office, the State Fire Marshal, the State Geologist, the Executive Director of the California Building Standards Commission, the State Director of Health Services, and the Deputy Director of the Facilities Development Division in the Office, or their officially designated representatives.

HOSPITAL INSPECTOR means an individual who has passed the OSHPD certification examination and possesses a valid Hospital Inspector Certificate (or Construction Inspector for Health Facilities Certificate) issued by the Office.

HOSPITAL INSPECTOR OF RECORD (IOR) means an individual who is:

(a) An OSHPD certified Hospital Inspector, pursuant to the provisions of these regulations and

(b) Employed by the hospital governing board or authority and

(c) Approved by the architect and/or engineer in responsible charge and the Office as being satisfactory to inspect a specified construction project.

INTEGRATED REVIEW is the process that engages the Office, at its sole discretion, early in the project design and continues through the development and submission of documents during the design phases of conceptualization, criteria design, detailed design, implementation documents, office review, and final plan approval. Within each phase, milestones are established for specific, agreed-upon points in time where segments of the design/building system are completely designed and/or defined in their entirety. The Office provides an agreed-upon level of review that allows for written conditional acceptance of these elements and/or systems.

LICENSE means the basic document issued by the Department of Health Services permitting the operation of a health facility under the provisions of Title 22, California Code of Regulations, Division 5.

LOCAL GOVERNMENT ENTITY means a building department of a city, city and county, or county.

MAINTENANCE [OSHPD 1, 2, 3 & 5] The routinely recurring work required to keep a facility (plant, building, structure, utility system, etc.) in such condition that it may be continuously utilized, at its original or designed capacity and efficiency, for its intended purpose. Actions necessary for retaining or restoring an existing element or component of a building, piece of equipment, machine, or system to the specified operable condition to achieve its maximum useful life, including corrective maintenance and preventative maintenance.

MANAGED PROJECT means a project where schedules and deadlines relating to plan review are negotiated between the Office and the governing board or authority of the health facility or their designated representative. Managed projects include, but are not limited to, projects approved by the Office for integrated review, as described in Section 7-130, or incremental review, as described in Section 7-131.

MATERIALLY ALTER as applied to construction projects or approved construction documents means any change, alteration or modification, as determined by the Office, that alters the scope of a project, could cause the project to be in noncompliance with the *California Building Standards Code,* or causes an unreasonable risk to the health and safety of patients, staff or the public.

MECHANICAL ENGINEER means a person licensed as a mechanical engineer under Chapter 7 (commencing with Section 6700), Division 3, the *California Business and Professions Code*.

MINORITY, WOMEN AND DISABLED VETERAN BUSINESS ENTERPRISE shall have the respective meanings set forth in Section 10115.1 of the Public Contract Code.

NONCONFORMING BUILDING means any building that is not a conforming building.

NONSTRUCTURAL ALTERATION means any alteration which neither affects existing structural elements nor requires new structural elements for vertical or lateral support and which does not increase the lateral force in any story by more than five percent.

OFFICE means the Office of Statewide Hospital Planning and Development (OSHPD) within the Department of Health Care Access and Information (HCAI).

PRIMARY GRAVITY LOAD RESISTING SYSTEM (PGLRS) means assembly of structural elements in the building that resists gravity loads, including floor and roof beams/girders supporting gravity loads or any other members designed to support significant gravity loads. Foundations supporting loads from the PGLRS shall be considered part of the PGLRS.

PROGRAM FLEXIBILITY means the approved use of an alternate space utilization, new concepts of design, treatment techniques or alternate finish materials. Program flexibility requests must be reviewed by the Department of Public Health and the Office, or other authority having jurisdiction.

RECONSTRUCTION means the rebuilding of any "existing building" to bring it into full compliance with these regulations and all applicable parts of the *California Building Standards Code.*

SEISMIC FORCE RESISTING SYSTEM (SFRS) means assembly of structural elements in the building that resists seismic loads, including struts, collectors, chords, diaphragms and trusses. Foundations supporting loads from the SFRS shall be considered part of the SFRS.

SIGN, SIGNED, SIGNATURE, SIGNATURES means to affix an individual's signature by manual, electronic or mechanical methods. Manual method includes, but is not limited to, a pen and ink signature. Electronic method includes, but is not limited to, scanned signature images embedded in construction documents, faxes or other electronic document files. Mechanical method includes, but is not limited to, rubber stamp signature.

SITE DATA means reports of investigation into geology, earthquake ground motion and geotechnical aspects of the site of a health facility construction project.

SMALL BUSINESS means a firm that complies with the provisions of Government Code Section 14837.

START OF CONSTRUCTION [OSHPD 1, 1R, 2, 4, 5 & 6] is the date the actual physical work, demolition, construction, repair, reconstruction, rehabilitation, addition, preparation of the site for the first placement of permanent construction of a building such as the trenching for foundations or utilities, or other improvements or offsite component preparation as shown on the approved construction documents begins.

STRUCTURAL ELEMENTS means floor or roof diaphragms, decking, joists, slabs, beams or girders; columns; bearing walls; retaining walls; masonry or concrete nonbearing walls exceeding one story in height; foundations; shear walls or other lateral force resisting members; and any other elements necessary to the vertical and lateral strength or stability of either the building as a whole or any of its parts including connections between such elements.

STRUCTURAL ENGINEER means a person licensed as a structural engineer under Chapter 7 (commencing with Section 6700), Division 3, the *California Business and Professions Code*.

STRUCTURAL REPAIRS means any change affecting existing or requiring new structural elements primarily intended to correct the effects of deterioration or impending or actual failure, regardless of cause.

SUBSTANTIAL COMPLIANCE means a stage of a construction or building project, or a designated portion of the project, that is sufficiently complete in accordance with the approved construction plans and the California Building Standards Code such that the owner may use or occupy the building project, or designated portion thereof, for the intended purpose.

VOLUNTARY STRUCTURAL ALTERATION means any alteration of existing structural elements or provision of new structural elements which is not necessary for vertical or lateral support of other work and is initiated by the applicant primarily for the purpose of increasing the vertical or lateral load carrying strength or stiffness of an existing building.

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-111. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.
2. (OSHPD 1/96) 1996 Annual Code Adoption Cycle will amend Section 7-111, of Part 1, Title 24, C.C.R. Filed with the secretary of state on March 4, 1997; effective April 3, 1997. Approved by the California Building Standards Commission on February 6, 1997.
3. (OSHPD/EF 1/92) Emergency order by the Office of Statewide Health Planning and Development to amend Sections 7-111 and 7-191, Part 1, Title 24, California Code of Regulations. Filed as an emergency order with the secretary of state September 1, 1992; effective September 1, 1992. Approved as an emergency by the California Building Standards Commission on August 27, 1992.
4. (OSHPD/EF 1/92, permanent) Emergency order by the Office of Statewide Health Planning and Development to amend Sections 7-111 and 7-191, Part 1, Title 24, California Code of Regulations. Filed as a permanent order with the secretary of state on March 9, 1993; effective March 9, 1993. Approved as a permanent order by the California Building Standards Commission on March 5, 1993.

ARTICLE 3—APPROVAL OF CONSTRUCTION DOCUMENTS

7-113. Application for plan, report, or seismic compliance extension review.

(a) Except as otherwise provided in this part, before commencing construction or alteration of any health facility, the governing board or authority thereof shall apply for plan review to the Office and shall obtain the written approval thereof by the Office describing the scope of work included and any special conditions under which approval is given.

1. The application shall be electronic and shall contain:
   A. A definite identifying name for the health facility,
   B. The name of the architect or engineer who is in responsible charge of the work, pursuant to Section 7-115(a),
   C. The names of the delegated architects or engineers responsible for the preparation of portions of the work pursuant to Section 7-115(a)3, and
   D. The estimated cost of the project and all such other information required for completion of the application.

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The architect or engineer in responsible charge or having delegated responsibility shall be permitted to name one or more persons to act as an alternate(s), provided such persons are architects or engineers qualified under these regulations to assume the responsibility assigned.

2. Submission of documents to the Office shall be electronic and shall be permitted to be in three consecutive stages:
   A. Geotechnical/Geohazard Review: All documents for this review shall be permitted to be submitted electronically in a format acceptable to the Office. Submittal shall include:
      (1) An application for plan review,
      (2) A description of the project prepared by the registered design professional (RDP) in responsible charge, when applicable, and
      (3) A copy of the site data report(s).
   B. Preliminary Review: Submit reports or preliminary plans and preliminary annotated specifications to the Office.
   C. Final Review: The final construction documents and reports shall be submitted to the Office.

(b) Application for seismic compliance extension requires submission of OSHPD Application Form #OSH-FD-384, "Application for 2008 Extension/Delay in Compliance." The submittal shall comply with the applicable requirements of Chapter 6, Article 1, Section 1.5.2 "Delay in Compliance."

(c) For every project there shall be an architect or engineer in responsible charge of reviewing and coordinating all submittals, except as set forth in Section 7-115(c).

1. A project shall be permitted to be divided into parts, provided that each part is clearly defined by an architectural building or similar distinct unit. The part, so defined, shall include all portions and utility systems or facilities necessary to the complete functioning of that part. Separate assignments of the delegated architects or engineers pursuant to Section 7-115(a)3 shall be permitted to be made for the parts.
2. Incremental projects pursuant to Section 7-131 shall consist of only one building.

(d) The assignment of the delegated architect or engineer pursuant to Section 7-115 (a) 3 and the responsibility for the preparation of construction documents and the administration of the work of construction for portions of the work shall be clearly designated on the application for approval of reports or construction documents.

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129850.

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-113. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

7-115. Preparation of construction documents and reports.

(a) All construction documents or reports, except as provided in (c) below shall be prepared under an architect or professional engineer in responsible charge. Prior to submittal to the Office, the architect or professional engineer in responsible charge for a project shall sign every sheet of the drawings, and the title sheet, cover sheet or signature sheet of specifications and reports. A notation shall be permitted to be provided on the drawings indicating the architect's or engineer's role in preparing and reviewing the documents.

1. Except as provided in paragraph 2 below, the architect or engineer in responsible charge of the work shall be an architect or structural engineer.
2. For the purposes of this section, a mechanical, electrical, civil, or fire protection engineer shall be permitted to be the engineer in responsible charge of alteration or repair projects that do not affect architectural or structural conditions, and where the professional engineer is duly qualified to perform the services in that branch of engineering.
3. The architect or engineer in responsible charge shall be permitted to delegate the preparation of construction documents and administration of the work of construction for designated portions of the work to other architects and/or professional engineers as provided in (b) below. Preparation of portions of the work by others shall not be construed as relieving the architect or engineer in responsible charge of his rights, duties and responsibilities under Section 129805 of the Health and Safety Code.

(b) Architects or engineers licensed in the appropriate branch of engineering shall be permitted to be responsible for the preparation of construction documents and administration of the work of construction as permitted by their license, and as provided below. Architects and engineers shall sign and affix their professional stamp to all construction documents or reports that are prepared under their charge. All construction documents shall be signed and stamped prior to issuance of a building permit.

1. The structural construction documents or reports shall be prepared by a structural engineer.
2. A mechanical or electrical engineer shall be permitted to prepare construction documents or reports for projects where the work is predominately of the kind normally prepared by mechanical or electrical engineers.
3. A civil engineer or an architect shall be permitted to prepare construction documents or reports for the anchorage and bracing of nonstructural components.
4. A fire protection engineer shall be permitted to prepare construction documents or reports for fire protection systems.

(c) A licensed specialty contractor shall be permitted to prepare construction documents and shall be permitted to administer the work of construction for health facility construction projects, subject to the following conditions:

1. The work is performed and supervised by the licensed specialty contractor who prepares the construction documents,
2. The work is not ordinarily within the standard practice of architecture and engineering,
3. The project is not a component of a project prepared pursuant to 7-115(a) and (b),
4. The contractor responsible for the design and installation shall also be the person responsible for the filing of reports, pursuant to Section 7-151,
5. The contractor shall provide with the application for plan review to the Office a written and signed statement stating that he or she is licensed, the number of the license, and that the license is in full force and effect, and
6. The work is limited to one of the following types of projects:
   A. Fire protection systems where none of the fire sprinkler system piping exceeds $2^{1}/_{2}$ inches (63.5 mm) in diameter.
   B. Low voltage systems not more than 91 volts. These systems include, but are not limited to, telephone, sound, cable television, closed circuit video, nurse call systems and power limited fire alarm systems.
   C. Roofing contractor performing reroofing where minimum $^{1}/_{4}$-inch (6.4 mm) on 12-inch (305 mm) roof slopes are existing and any roof mounted equipment needing remounting does not exceed 400 pounds.
   D. Insulation and acoustic media not involving the removal or penetration of fire-rated walls, or ceiling and roof assemblies.

(d) The specification and use of preapprovals does not preempt the plan approval and building permit process. Construction documents using preapprovals shall be submitted to the Office for review and approval and issuance of a building permit prior to the start of construction.

1. The registered design professional, in conjunction with the registered design professional in responsible charge, listed on the plan review application or the building permit application, shall review all qualities, features, and/or properties to ensure code compliance, appropriate integration with other building systems, and proper design for the project-specific conditions and installation. Stamping and signing of construction documents as required in subsection (a) and (b) shall be for this purpose only.
2. When OSHPD Preapproved Details (OPDs) or preapproved distribution system details are used, applicable preapproved details shall be incorporated into the construction documents. Incorporation by reference only is not permitted. The preapproved details shall be incorporated without any material modifications. This subsection shall not apply if modifications materially alter the preapproved details.
3. Preapproval details submitted after the construction documents have been approved and a building permit has been issued shall be incorporated into the construction documents in accordance with Section 7-153.
4. The use of preapproved details shall comply with all manufacturer's instructions, conditions, special requirements, etc., which are a part of the preapproval.
5. Conditions not covered by a preapproval shall be substantiated with calculations, drawings, specifications, etc., stamped and signed by the registered design professional and signed by the registered design professional in responsible charge listed on the plan review application or building permit application and shall be submitted to the OSHPD for review and approval prior to construction.

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129850.

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-115. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

7-116. Reserved.

7-117. Site data.

(a) The site data reports (geotechnical/geohazard reports) shall be required for all proposed construction except:

1. As provided in the *California Building Code.*
2. One-story, wood-frame or light steel frame buildings of Type II or V construction and 4,000 square feet or less in floor area not located within Earthquake Fault Zones or Seismic Hazard Zones as shown in the most recently published maps from the California Geological Survey (CGS) or in seismic hazard zones as defined in the Safety Element of the local General Plan.
3. Nonstructural alterations.
4. Structural repairs for other than earthquake damage.
5. Incidental structural additions or alterations.

(b) The site data reports shall be furnished to the Office for review and evaluation, in accordance with Section 7-113(a).2.A, prior to the submittal of the project documents for final plan review. Site data reports shall comply with the requirements of these regulations and the *California Building Standards Code*. Upon the determination that the investigation of the site and the reporting of the findings was adequate for the design of the project, the Office will issue a letter stating the site data reports are acceptable.

Authority: Health and Safety Code Sections 127015 and 129850.

Reference: Health and Safety Code Sections 129675–129998.

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7.117. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

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7-118. Building energy efficiency program. Healthcare facility projects that consist of a newly constructed building or an addition that increases floor area and conditioned volume requires compliance with Title 24, Part 6, *California Energy Code.*

7-119. Functional program.

(a) **General.**

1. **Functional program requirement.** The owner or legal entity responsible for the outcome of the proposed health care facility design and construction project shall be responsible for providing a functional program to the project's architect/engineer and to the Office. The requirement applies to all scopes and disciplines of the project that affect patient care directly or indirectly, by means of new construction, additions, or modifications to specific hospital departmental functions which form an integral part of the facility. Projects that only involve equipment replacement, fire safety upgrades, or renovations that will not change the occupancy, function, or use of existing space shall not require a functional program.
2. **Functional program purpose.**
   A. An owner-approved functional program shall be made available for use by the design professional(s) in the development of project design and construction documents, and shall be submitted to the Office, at the time of application for plan review, to serve as a reference for the review of the application documents.
   B. Revisions to the functional program shall be documented and a final updated version shall be submitted to the Office prior to approval of the construction documents.
   C. The facility is encouraged to retain the functional program with other design data to facilitate future alterations, additions, and program changes.
3. **Nomenclature in the functional program.**
   A. The names for spaces and departments used in the functional program shall be consistent with those used in the *California Building Code*. If acronyms are used, they should be defined clearly.
   B. The names and spaces indicated in the functional program shall also be consistent with those used on submitted floor plans.

(b) **Functional program executive summary.** An executive summary of the key elements of the functional program shall be provided and, at a minimum, shall include the following narrative:

1. **Purpose of the project.**
   A. The narrative shall describe the services to be provided, expanded, or eliminated by the proposed project.
   B. The narrative shall describe the intent of the project and how the proposed modifications will address the intent.
2. **Project type and size.**
   A. The type of health care facility(ies) proposed for the project shall be identified as defined by the *California Building Code.*
   B. Project size in square footage (new construction and renovation) and number of stories shall be provided.
3. **Construction type/occupancy and building systems.**
   A. **New construction.** If the proposed project is new construction that is not dependent on or attached to an existing structure, the following shall be included:
      (1) A description of construction type(s) for the proposed project.
      (2) A description of proposed occupancy(ies) and, if applicable, existing occupancy(ies).
      (3) A description of proposed engineering systems.
      (4) A description of proposed fire protection systems.
   B. **Renovation.** For a project that is a renovation of, or addition to, an existing building, the following shall be included in the project narrative:
      (1) A description of the existing construction type and the construction type for any proposed renovations or additions shall be described.
      (2) A general description of existing engineering systems serving the area of the building affected by the proposed project and how these systems will be modified, extended, augmented, or replaced by the proposed project.
      (3) A general description of existing fire protection systems serving the area of the building affected by the proposed project and how these systems will be modified, extended, augmented, or replaced by the proposed project.

(c) **Functional program content.** The functional program for the project shall include the following:

1. **Purpose of the project.** The physical, environmental, or operational factors, or combination thereof, driving the need for the project and how the completed project will address these issues shall be described.
2. **Project components and scope.**
   A. The department(s) affected by the project shall be identified.
   B. The services and project components required for the completed project to function as intended shall be described.

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3. **Indirect support functions.** The increased (or decreased) demands throughout, workloads, staffing requirements, etc., imposed on support functions affected by the project shall be described. (These functions may or may not reside adjacent to or in the same building or facility with the project.)
4. **Operational requirements.** The operational requirements, which include but are not limited to the following, shall be described:
   A. Projected operational use and demand loading for affected departments and/or project components.
   B. Relevant operational circulation patterns, including staff, family/visitor, and materials movement.
   C. Departmental operational relationships and required adjacencies
5. **Environment of care requirements.** The functional program shall describe the functional requirements and relationships between the following environment of care components and key elements of the physical environment:
   A. **Delivery of care model (concepts).** This shall include:
      (1) A description of the delivery of care model, including any unique features.
      (2) A description of the physical elements and key functional relationships necessary to support the intended delivery of care model.
   B. **Patients, visitors, physicians, and staff accommodation and flow.** Design criteria for the following shall be described:
      (1) The physical environment necessary to accommodate facility users and administration of the delivery of care model.
      (2) The physical environment (including travel paths, desired amenities and separation of users and workflow) necessary to create operational efficiencies and facilitate ease of use by patients, families, visitors, staff, and physicians.
   C. **Building infrastructure and systems design criteria.** Design criteria for the physical environment necessary to support organizational, technological, and building systems that facilitate the delivery of care model shall be described.
   D. **Physical environment.** Descriptions of and/or design criteria for the following shall be provided:
      (1) Light and views – How the use and availability of natural light, illumination, and views are to be considered in the design of the physical environment.
      (2) Wayfinding.
      (3) Control of environment – How, by what means, and to what extent users of the finished project are able to control their environment.
      (4) Privacy and confidentiality – How the privacy and confidentiality of the users of the finished project are to be protected.
      (5) Security – How the safety and security of patients or residents, staff, and visitors shall be addressed in the overall planning of the facility consistent with the functional program.
      (6) Architectural details, surfaces, and furnishing characteristics and criteria.
      (7) Cultural responsiveness – How the project addresses and/or responds to local or regional cultural considerations.
      (8) Views of, and access to, nature.
6. **Architectural space and equipment requirements.**
   A. **Space list.**
      (1) The functional program shall contain a list organized by department or other appropriate functional unit that shows each room in the proposed project, indicating its size by gross floor area and clear floor area.
      (2) The space list shall indicate the spaces to which the following components, if required, are assigned:
         (a) Fixed and movable medical equipment.
         (b) Furnishings and fixtures.
         (c) Technology provisions.
   B. **Area.**
      (1) Gross floor area for the project shall be aggregated by department, and appropriate multiplying factors shall be applied to reflect circulation and wall thicknesses within the department or functional area. This result shall be referred to as department gross square footage (DGSF).
      (2) DGSF for the project shall be aggregated, and appropriate multiplying factors shall be applied to reflect inter-departmental circulation, exterior wall thickness, engineering spaces, general storage spaces, vertical circulation, and any other areas not included within the intra-department calculations. This result shall be referred to as building gross square footage (BGSF) and shall reflect the overall size of the project.
7. **Technology requirements.** Technology systems for the project shall be identified to serve as a basis for project coordination and budgeting.
   A. Any technology systems integration strategy shall be defined.

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B. Department and room specific detail for system and device deployment shall be developed.

8. **Short- and long-term planning considerations.** A statement addressing accommodations for the following, as appropriate for the project shall be included:
   A. Future growth.
   B. Impact on existing adjacent facilities.
   C. Impact on existing operations and departments.
   D. Flexibility.
9. **Patient safety risk assessment.** Projects associated with acute psychiatric hospitals, acute psychiatric nursing units in general acute-care hospitals, and special treatment program service units in skilled nursing facilities shall include a Patient Safety Risk Assessment. At a minimum, a Behavioral and Mental Health Risk Assessment shall be addressed as part of the Patient Safety Risk Assessment. The Patient Safety Risk Assessment shall be subject to review and approval by the California Department of Public Health.
   A. **Behavioral and mental health risk assessment.** A Behavioral and Mental Health Risk Assessment shall be prepared for all acute psychiatric hospitals, psychiatric nursing units within general acute-care hospitals, and special treatment program units in skilled nursing facilities. The risk assessment shall include evaluation of the population at risk and the nature and scope of the project, taking into account the model of care and operational considerations, and proposed built environment solutions to mitigate potential risks and hazards.
   B. **Behavioral and mental health elements (psychiatric patient injury and suicide prevention).** The safety risk assessment report shall identify areas that will serve patients at risk of mental health injury and suicide.
   C. **Behavioral and mental health response.**
      (1) The safety risk assessment team shall identify mitigating features for the identified at-risk locations.
      (2) The design of behavioral and mental health patient care settings shall address the need for a safe treatment environment for those who may present unique challenges and risks as a result of their mental condition.
         (i) The patient environment shall be designed to protect the privacy, dignity, and health of patients and address the potential risks related to patient elopement; and harm to self, to others, and to the environment.
         (ii) The design of behavioral/mental health patient areas shall accommodate the need for clinical and security resources.

Authority: Health and Safety Code Sections 127015 and 129850.

Reference: Health and Safety Code Sections 129675-129998.

Informational Note: Behavioral and mental health risk should be determined through simultaneous consideration of the inherent danger of any individual environmental feature because of patient profile and acuity, the anticipated level of staff supervision for each area, and space visibility and supervision.

The governing body should develop a detailed assessment of the level of risk for each program area where mental health patients will be served (e.g., emergency department, nursing units). Refer to Appendix Table Al.2-a Safety Risk Assessment Team Member Expertise of the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities* for areas of expertise needed on the behavioral and mental health assessment team.

Each area should be evaluated to identify the architectural details, surfaces, and furnishings and exposed mechanical and electrical devices and components to be addressed in the risk assessment. Examples of areas to be included in a mental health risk assessment include the following:

Highest Level of Risk

1. Seclusion rooms (where patient acuity poses an increased risk).
2. Patient bedrooms and toilet rooms (areas where patients spend long periods of time out of direct supervision of the staff).
3. Psychiatric emergency department (comprehensive psychiatric emergency program) and area under good supervision but dealing with unpredictable patients under initial evaluation and often under heavy medication.

Moderate Level of Risk

1. Activity spaces, group rooms, and treatment spaces (supervised with good visibility).
2. Dining rooms and recreation spaces, both indoor and outdoor.
3. Corridors (always visible).

Lowest Level of Risk

1. Exam rooms, private offices, and conciliation rooms (always supervised).
2. Staff and support areas (not accessible by patients).

Other information that could be considered can be found in *Patient Safety Standards, Materials and Systems Guidelines* published by the New York State Office of Mental Health, and the *Behavioral Health Design Guide* by Behavioral Health Facility Consulting, LLC.

7-120. Reserved.

7-121. Presubmittal meeting.

(a) A presubmittal meeting between the Office and the design professionals is required for construction or alteration projects for hospital buildings and buildings described in paragraphs (2) and (3) of Subdivision (b) of Section 129725 of the Health and Safety Code with estimated construction costs of twenty million dollars ($20,000,000) or more. The presubmittal meeting shall be held prior to the submittal of preliminary plans and specifications or final construction documents. Prior to scheduling a presubmittal meeting, the architect or engineer in responsible charge shall submit the following information to the Office:

1. Meeting agenda listing major points of discussion.
2. New and if applicable, existing floor plans.

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3. Description and scope of the project.
4. Functional Program as described in Section 7-119.
5. Description of structural systems—vertical, lateral, foundation, etc.
6. Alternate method of compliance and program flexibility issues.
7. Type of construction.
8. Occupancy—existing and proposed, with justification.
9. Accessibility considerations, including path of travel.
10. Preliminary means of egress plan.
11. Architectural, structural, mechanical, plumbing, electrical, and fire and life safety issues.

(b) The architect or engineer in responsible charge shall record all resolutions of substantive issues in a letter of understanding that shall be submitted to the Office for acceptance prior to the submittal of final construction documents. The letter of understanding shall be based on the assumptions presented at the presubmittal meeting. Subsequent changes in design, program requirements, project delivery, or other unforeseen issues may necessitate modifications to the letter of understanding.

(c) **Integrated review.** A request for Integrated Review (IR) must be submitted to the Office in writing, prior to the presubmittal meeting being scheduled. In addition to the items listed in Section 7-121 (a), for IR projects, the architect or engineer in responsible charge shall submit the following information to the Office:

1. Complete project schedule.
2. Proposed review matrix outlining all phases, milestones, increments, and segments for the project.
3. Initial draft of the Integrated Review Plan (IRP) proposed, defining roles and accountability of the participants.

Authority: Health and Safety Code Section 18929 and 129675–130070.

Reference: Health and Safety Code Section 129850.

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-121. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

7-122. Reserved.

7-123. Preliminary plans and specifications.

(a) The governing board or authority or their designated representative may submit preliminary plans and preliminary annotated specifications to the Office for review prior to submittal of the final construction documents.

(b) The Office's review of the preliminary plans and outline specifications shall be limited to the content of the preliminary plans and outline specifications submitted. A copy of the marked-up preliminary plans and outline specifications or of the approved preliminary plans and outline specifications shall accompany the submittal of the final construction documents.

Authority: Health and Safety Code Section 18929 and 129675–130070.

Reference: Health and Safety Code Section 129850.

7-124. Reserved.

7-125. Final review of construction documents.

(a) Final construction documents shall be submitted in accordance with Section 107, Part 2. Title 24 within 10 days of application. Final construction documents that are incomplete shall be returned to the applicant for completion prior to acceptance by the Office for plan review.

(b) Local government entity zoning approvals or clearances shall be furnished to the Office, when applicable, prior to approval of the final construction documents by the Office.

(c) When the Office finds items on the final construction documents that do not comply with these regulations and/or applicable sections of the *California Building Standards Code*, the noncomplying items shall be noted in writing with a proper code citation. The marked-up set of construction documents will be returned to the architect or engineer in responsible charge. Corrected construction documents shall be filed for backcheck when the original check or subsequent backchecks(s) indicates that extensive changes are necessary. Where necessary corrections are of a minor nature, corrected original construction documents may be filed for backcheck. The architect or engineer in responsible charge must provide a written response to all comments made by the Office. The written response must include a description and a location of the corrections made to the construction documents. The written response may be provided as a letter. Changes in construction documents, other than changes necessary for correction, made after submission for approval, shall be brought to the attention of the Office in writing or by submission of revised construction documents identifying those changes. Failure to give such notice voids any subsequent approval given to the construction documents.

(d) The Office's approval of the final construction documents shall be in accordance with Section 107.3.1, Part 2, Title 24.

(e) **Changes in scope.** Changes to the scope of the original project shall be required to be submitted as a separate project.

Exception: At the discretion of the Office, changes in scope may be allowed in the original project. The Office may require the documents to be reviewed as an examination subject to fees required by Section 7-133(q)(3).

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129850.

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HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-125. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.
2. (OSHPD 7/96) 1996 Annual Code Adoption Cycle will amend Section 7-125, of Part 1, Title 24, C.C.R. Filed with the secretary of state on March 4, 1997; effective April 3, 1997. Approved by the California Building Standards Commission on February 6, 1997.

7-126. Deferred submittals.

(a) **Conditions.** Where a portion of the design cannot be fully detailed on the approved construction document because of variations in product design and manufacture, the approval of the construction documents for such portion may be deferred until the material suppliers are selected under the following conditions:

1. The construction documents clearly describe the deferred submittals that shall be approved by the Office prior to fabrication and installation for the indicated portions of the work.
2. The construction documents fully describe the performance and loading criteria for such work.
3. After the construction documents are approved and within 30 calendar days after commencement of construction, the architect or engineer in responsible charge shall submit a schedule to the Office indicating when the deferred submittals will be submitted to the Office for review.

Exception: Seismic Force Resisting System (SFRS), Primary Gravity Load Resisting System (PGLRS) and stairs shall not be deferred.

(b) **Submittal process and notation.** Submittal documents for deferred submittal items shall be submitted to the architect or engineer to whom responsibility has been delegated for preparation of construction documents, as listed on the application, for review prior to submittal to the Office. The architect or engineer to whom responsibility has been delegated for preparation of construction documents, as listed on the application, shall review and forward submittal documents for deferred submittal items to the Office with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance with the design of the project.

(c) **Stamping and signing.** Stamping and signing of deferred submittals shall comply with Section 7-115(a) and (b).

(d) **Fabrication and installation.** The deferred submittal items shall not be fabricated or installed until their design and submittal documents have been approved by the Office.

(e) **Limitations.** The Office shall have sole discretion as to the portions of the design that may be deferred.

7-127. Projects exempt from plan review process.

(a) The Office may exempt from the plan review process construction or alteration projects for hospitals, skilled nursing facilities and intermediate care facilities, if the project meets the following criteria:

1. The estimated construction cost is $50,000 or less. For the purpose of determining eligibility for exemption from the plan review process, the estimated construction cost excludes imaging equipment costs; design fees; inspection fees; off-site work; and fixed equipment costs, including but not limited to sterilizers, chillers and boilers.
2. The construction documents are stamped and signed pursuant to Section 7-115(a) and (b).
3. The entire project or an element of the project shall not pose a clear and significant risk to the health and safety of the patients, staff or public.

(b) Projects subdivided into smaller projects for the purpose of evading the cost limitation requirement shall not be exempt from the plan review process. (c) All requirements of Article 4, Construction must be met, except Section 7-135(a)1.

7-128. Work performed without a permit.

(a) **Compliance examination.** Construction or alteration of any health facility, governed under these regulations, performed without the benefit of review, permitting, and/or observation by the Office when review, permitting and/or observation is required, and without the exemption by the Office provided for in Section 7-127, shall be subject to examination by the Office to assess relevant code compliance.

1. Whenever it is necessary to make an inspection to enforce any applicable provision of the *California Building Standards Code* or the Alfred E. Alquist Hospital Facilities Seismic Safety Act, or the Office, or its authorized representative, has reasonable cause to believe that there exists in any building or upon any premises any condition or violation of any applicable building standards that makes the building or premises unsafe, dangerous, or hazardous, the Office or its authorized representatives may enter the building or premises at any reasonable time for the purpose of inspection and examination authorized by this chapter.
2. Examination by the Office may include, but is not limited to:
   A. Review of existing plans;
   B. Site visit(s) as necessary to assess the extent of unpermitted work;
   C. Inspection of work for the purpose of determining compliance including destructive demolition as necessary in accordance with *California Building Code* Section 110.1 including the removal and/or replacement of any material required to allow inspection, and potentially destructive testing needed to demonstrate compliance with the *California Existing Building Code*; and
   D. Participation in a predesign conference with architects/engineers to resolve code issues relevant to the corrective or remedial work necessary.

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(b) **Plan review.** Construction or alteration of any health facility, governed under these regulations, performed without the benefit of review, permitting and/or observation by the Office, and construction or alteration found in violation of any applicable section of the *California Building Standards Code* during examination, shall be brought into compliance with the current enforceable edition of the *California Building Standards Code.* Application for Office review of construction documents and reports for the construction or alteration and corrective work necessary to remedy any violations, unsafe, dangerous, or hazardous conditions shall be made in accordance with Sections 7-113 through 7-126. The construction documents and reports shall be prepared under an architect or engineer in responsible charge pursuant to Section 7-115 and shall clearly and separately delineate the following:

1. Portions of the building or structure that existed prior to the unpermitted construction or alteration;
2. The unpermitted construction or alteration work that is proposed to remain, including all associated dimensions, assemblies, specifications and details; and
3. New corrective or remedial work necessary to bring the unpermitted construction or alteration work into compliance with all applicable parts of the current *California Building Standards Code.*

(c) **Construction observation.** The construction, inspection and observation of any construction or alteration of any health facility, governed under these regulations, previously performed without the benefit of review, permitting, and/or observation, and of any new corrective or remedial work deemed necessary by the Office, shall be in accordance with Article 4 of this Chapter. The Office shall make such observation as in its judgment is necessary or proper for the enforcement of these regulations and all applicable parts of the *California Building Standards Code.* Any violations found in existing, previously constructed or altered, or new corrective or remedial work shall be corrected as required under *California Building Code* Section 110.6.

(d) **Fees.** Fees associated with compliance examination, plan review and field observation shall be in accordance with the following:

1. The fee for examination shall be the Office's actual costs associated with:
   A. Field investigation and Office support as described in Section 7-128(a)2; and
   B. Legal and administrative costs associated with documentation and reporting of violations of licensing statutes and/or pursuing claims of misconduct with the relative Departments and Boards, including but not limited to:
      1) The California Department of Public Health;
      2) The California Architects Board;
      3) The Board for Professional Engineers, Land Surveyors, and Geologists; and
      4) The Contractors State License Board.
2. A separate, additional, fee for plan review described in Section 7-128(b) and field observation described in Section 7-128(c) shall be based on the estimated cost of construction as specified below:
   A. The fee for hospital buildings is 2.0 percent of the estimated construction cost.
   B. The fee for skilled nursing and intermediate care facilities, as defined in Subdivision (c), (d), (e) or (g) of Section 1250, Health and Safety Code, is 1.5 percent of the estimated construction cost.
   C. The estimated construction cost for a project shall be determined as described in Section 7-133(a)4 and shall include the value of the previously unpermitted construction, or alteration, plus the value of any new corrective and remedial work.
   D. The final approval of the work shall be in accordance with Section 7-133(a)7.

(e) **Occupancy.** Upon determination that construction or alteration of any health facility, governed under these regulations, has occurred without the benefit of review, permitting, and/or observation by the Office, and without the exemption by the Office provided for in Section 7-127, the Office may order the area of construction or alteration to be vacated and remain unoccupied, or that the current certificate of occupancy for the building be revoked under *California Building Code* Section 111.4, until the Office provides a certificate of occupancy upon the completion of all field observation and final construction inspection of the construction or alteration, and associated corrective and remedial work.

Authority: Health and Safety Code Sections 18929 and 129765 -130070.

Reference: Health and Safety Code Section 129850.

7-129. Time limitations.

(a) Final construction documents shall be submitted to the Office within one year of the date of the Office's report on preliminary plans and outline specifications or the application shall become void unless an extension has been requested and approved. The architect or engineer in responsible charge may request one extension of up to 180 calendar days; however, the Office may require that the construction documents meet current regulations. The extension must be requested in writing and justifiable cause demonstrated.

(b) The procedures leading to obtaining written approval of final construction documents shall be carried to conclusion without suspension or unnecessary delay. Unless an extension has been approved by the Office, the application shall become void when paragraph 1, 2 or 3 occurs:

1. If project actual construction cost is $500,000 or less and construction documents are not filed for backcheck within 45 calendar days after the date of return of checked construction documents to the architect or engineer in responsible charge. Backcheck submittals that do not contain a written response to all comments in accordance with Section 7-125(c) shall not be considered an official submittal to the Office. The architect or engineer in responsible charge may request one

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extension of up to 45 calendar days; however, the Office may require the construction documents be revised to meet current regulations. The extension must be requested in writing and justifiable cause demonstrated.

2. If project actual construction cost is greater than $500,000 and construction documents are not filed for backcheck within 90 calendar days after the date of return of checked construction documents to the architect or engineer in responsible charge. Backcheck submittals that do not contain a written response to all comments in accordance with Section 7-125(c) shall not be considered an official submittal to the Office. The architect or engineer in responsible charge may request one extension of up to 90 calendar days; however, the Office may require the construction documents be revised to meet current regulations. The extension must be requested in writing and justifiable cause demonstrated.
3. A set of stamped construction documents are not submitted to the Office within 45 calendar days after the date shown with the identification stamp by the Office.

(c) Construction, in accordance with the approved construction documents, shall commence within one year after obtaining the written approval of construction documents, or this approval shall become void. Prior to the approval becoming void, the applicant may apply for one extension of up to one year. The Office may require that the construction documents be revised to meet current regulations before granting an extension. The extensions must be requested in writing and justifiable cause demonstrated.

(d) If the work of construction is suspended or abandoned for any reason for a period of one year following its commencement, the Office's approval shall become void. Prior to the approval becoming void, the applicant may apply for one extension of up to one year. The Office may require that the construction documents be revised to meet current regulations before granting an extension. The extensions must be requested in writing and justifiable cause demonstrated. For the purpose of building permit time limitation, a project shall be considered abandoned when the work of construction, if any, performed during any twelve-month period does not result in a minimum of ten percent increase in the overall percentage of construction work for the project based on either its scope or cost and no extension for time has been approved by the office.

Exception: The time limitations and deadlines specified in Section 7-129 (a) and (b) shall not apply to managed projects as defined in Section 7-111. This includes, but is not limited to, projects approved for integrated review, as described in Section 7-130, or incremental review, as described in Section 7-131.

(e) The procedures leading to project closeout shall be carried to conclusion without suspension or unnecessary delay. Once project completion Substantial Compliance or a Certificate of Occupancy is issued, final closeout documentation must be submitted within 90 days or the Substantial Compliance or Certificate of Occupancy will be revoked, California Department of Public Health informed of the revocation and the project closed as noncompliant.

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129850.

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-129. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

7-130. Integrated submittal, review and approval.

The Office, at its sole discretion, may enter into a written agreement with the hospital governing board or authority for the integrated submittal, review and approval of construction documents.

7-131. Incremental design, bidding and construction.

(a) In accordance with Section 107.3.3, Part 2, Title 24, the Office is authorized to review and approve construction documents and issue a permit for increments of a building or structure prior to the construction documents for the entire building or structure have been submitted and approved, provided that adequate information and detailed statements have been filed complying with pertinent requirements of applicable codes. For other regulations pertaining to incremental design, bidding and construction, see Section 107.3.3, Part 2, Title 24.

(b) Increments shall be limited to complete phases of construction, such as demolition, site work and utilities, foundations and basement walls, structural framing, architectural work, mechanical work, electrical work, etc. A master plan identifying the work to be completed in each increment and an estimated cost for each increment, and a chart showing the proposed coordination of the design, bidding and construction schedules; state and local plan review times; and estimated completion and occupancy of the project, shall be submitted with the first increment.

(c) The incremental submittals and construction shall be continuous to conclusion without suspension or unnecessary delay unless specifically approved by the Office.

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129850.

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-131. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

7-132. Design/build method.

Projects prepared under the design/build delivery method shall comply with all applicable requirements of Title 24, Part 1, *California Administrative Code* including but not limited to Sections 7-115, 7-141, 7-143, 7-144, 7-145, 7-149, 7-151, 7-153 and 7-155.

Authority: Health and Safety Code Section 18929 and 129675–130070.

Reference: Health and Safety Code Section 129850.

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7-133. Fees.

(a) **Plan review and field observation.** The fee for plan review and field observation shall be based on the estimated cost of construction as specified below. If the actual construction cost for a hospital or skilled nursing facility project exceeds the estimated construction cost by more than five percent (5%), a further fee shall be paid to the Office, based on the applicable schedule specified in (a) (1) or (2) and computed on the amount by which the actual cost exceeds the estimated cost.

1. The fee for hospital construction projects with an estimated construction cost of $250,000 or more is 1.64 percent of the estimated construction cost.
   A. For projects under $250,000, the fee is 2.0 percent of the estimated construction cost.
   B. The Office shall charge actual costs for review and approval of seismic evaluations and compliance plans prepared pursuant to Article 8, Chapter 1, Part 7, Division 107, (commencing with Section 130000) of the Health and Safety Code. Total cost paid for these review services shall be nonrefundable.
2. The fee for skilled nursing and intermediate care facilities, as defined in Subdivision (c), (d), (e) or (g) of Section 1250, Health and Safety Code, is 1.5 percent of the estimated construction cost.
3. The minimum filing fee shall be $250.00. This filing fee is nonrefundable.
4. The estimated construction cost for a project shall be determined as follows:
   A. An applicant shall submit the estimated cost of construction for a project as part of the project application. Applicants for projects with an estimated construction cost greater than $20 million, and any others as requested by the Office, shall submit justification of the estimated construction costs as part of the project application.
   B. In the event that the Office believes that a project's estimated construction cost may be inaccurate or undervalued, the Office may request that the applicant provide supplemental documentation to substantiate the estimated construction cost. The documentation may include, but is not limited to, design estimates, construction contracts, bid estimates, and/or budget estimates.
   C. If, upon review, the Office determines that reasonable grounds exist to find that the estimated construction cost is underestimated or undervalued, the Office will provide the applicant in question an opportunity to participate in a formal conference and/or present additional evidence before a final determination as to the validity of the estimated construction cost is made.
   D. The Office will make a final determination as to the validity of the estimated construction cost after considering all of the evidence on record, including the formal conference and/or any supplemental documentation provided by the applicant.
   E. In the event the Office makes a final determination that the estimated construction cost is underestimated or undervalued, the Office may deem the application incomplete and deny the project application until the applicant either: (a) revises the estimated construction cost to the Office's reasonable satisfaction, or (b) produces further documentation to substantiate the estimated construction cost to the Office's reasonable satisfaction. A notice of denial will be provided to the applicant in writing and may be appealed to a Hearing Officer consistent with Article 5.5.
5. Upon receipt of an application, the Office will calculate the fee for the proposed project or process and send an invoice to the applicant for the required fee amount. Payment is due within thirty (30) days of receipt of the invoice. A project application is incomplete until payment in full is received by the Office for the invoiced fee amount.
6. The Office may, but is not required to, provide plan review, field observation and other services for projects or processes with incomplete applications. The Office may, at its discretion, cease work on any project or process until the relevant application is deemed complete. The Office may, at its discretion, prioritize projects or processes with complete applications before projects or processes with incomplete applications, and may allocate resources for the plan review or process based upon the date that each respective application is deemed complete.

   If the Office, as a courtesy, provides plan review, field observation or other services for a project or process with an incomplete application, it shall not be deemed a waiver of the Office's right to: (a) cease or postpone work on the project or process in question at a future date; (b) cease or postpone work on other projects or processes with incomplete applications until the applications in question are deemed complete; and/or (c) pursue any and all legal remedies for collection of monies owed.
7. Upon completion of all work in accordance with the approved construction documents and receipt of all required verified compliance reports and testing and inspection reports, the Office will grant final approval of the work when all remaining fees based on the actual construction cost, if any, have been paid to the Office. The actual construction cost for a project shall be determined as follows:
   A. The hospital governing board or authority shall submit the actual construction cost for a project as part of the final approval of the work.
   B. In the event that the Office believes that a project's actual construction cost may be understated, the Office may request that the hospital governing board or authority provide supplemental documentation to substantiate the actual construction cost. This supplemental information may include, but is not limited to, executed construction contracts, paid invoices, approved change orders, cancelled checks, etc.
   C. If, upon review of the supplemental information, the Office determines that reasonable grounds exist to find that the actual construction cost is understated, the Office may provide the hospital governing board or authority in question

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an opportunity to participate in a formal conference and/or present additional evidence before a final determination as to the validity of the actual construction cost is made.

D. The Office will make a final determination as to the validity of the actual construction cost after considering all of the evidence on record, including the formal conference and/or any supplemental information provided by the hospital governing board or authority.

E. In the event that the Office makes a final determination that the actual construction cost is understated, the Office may deem the project as noncompliant with the Alfred E. Alquist Hospital Facilities Seismic Safety Act until the hospital governing board or authority either: (a) revises the actual construction cost to the Office's reasonable satisfaction, or (b) produces further supplemental information to substantiate the actual construction cost to the Office's reasonable satisfaction. A notice of denial will be provided to the hospital governing board or authority in writing and may be appealed to a Hearing Officer consistent with Article 5.5.

The Office may, but is not required to, provide a final construction inspection, field observation, issue a certificate of occupancy or other services for projects or processes for which all fees have not been paid. The Office may, at its discretion, cease work on any project or process until all remaining fees have been paid to the Office's satisfaction in accordance with Section 7-155. The Office may, at its discretion, prioritize projects or processes for which all remaining fees have been paid, before projects or processes for which outstanding fees are owed the Office and may allocate resources for its services based upon the date that all outstanding fees for each respective project or process has been paid to the Office's satisfaction.

If the Office, as a courtesy, provides a final construction inspection, field observation, certificate of occupancy, or other services for a project or process for which remaining fees have not been paid, it shall not be deemed a waiver of the Office's right to: (a) cease or postpone work on the project or process in question at a future date; (b) cease or postpone work on other projects or processes in noncompliance until the remaining fees have been paid to the Office's satisfaction; and/or (c) pursue any and all legal remedies for collection of monies owed.

(b) The fee for submitting an amended seismic evaluation report or compliance plan is $250. The fee for review and approval of the amended report or compliance plan shall be subject to Section 7-133(a)1A above.

(c) The fee for submitting an application for extension to seismic compliance is $250. The fee for review and approval or granting of a seismic extension shall be subject to Section 7-133(a)1A above.

(d) **Preliminary review.** The fee for review of preliminary plans and outline specifications pursuant to Section 7-121 is 10 percent of the fee indicated in Section 7-133(a) and shall be due upon the submission of preliminary plans and outline specifications. The preliminary review fee is nonrefundable and shall be deducted from the application fee specified in Section 7-133(a).

(e) **Incremental projects.** The fee for incremental projects pursuant to Section 7-131 is based upon the estimated construction cost of each increment, as calculated in accordance with Section 7-133(a), and shall be due upon the first submission of the construction documents of each construction increment. The final fee shall be based upon the determination of the final actual construction cost of all increments in accordance with Section 7-133(a).

(f) **Annual permit for hospital projects.** A hospital may choose to apply for an annual permit for one or more small projects of $50,000 or less in cumulative total estimated construction cost. The annual permit is applicable to only the project(s) submitted within the state's fiscal year in which the Office issues the annual permit. An application filing fee of $500.00 is due upon submittal of the annual permit and is in lieu of an application filing fee specified in (a) of this Section.

(g) **Annual permit for skilled nursing facility projects.** A skilled nursing facility may choose to apply for an annual permit for one or more small projects of $25,000 or less in cumulative total estimated construction cost. The annual permit is applicable to only the project(s) submitted within the state's fiscal year in which the Office issues the annual permit. An application filing fee of $250.00 is due upon submittal of the annual permit and is in lieu of an application filing fee, as specified in (a) of this Section.

(h) **Integrated review submittal.**

1. The fee for integrated review and approval pursuant to Section 7-130 shall be 1.95 percent of the estimated construction cost as calculated in accordance with Section 7-133(a) 4 through 7. A nonrefundable fee of 10 percent of the fee shall be due upon approval of the written agreement and shall be deducted from the application fee specified in Section 7-133(a) or fees pursuant to Section 7-133(e) for incremental reviews.

(i) **Geotechnical/Geohazard reports.** The nonrefundable fee for review of a geotechnical/geohazard report shall be $5,000.00.

(j) **Deferral of fee payment for disaster-related projects.**

1. A health facility may request to defer payment of the filing fee, as described in this section, for up to one year, for a construction or alteration project to repair damage resulting from an event which the governor has declared as a disaster. The request for payment deferral must be submitted to the Office, in writing, and accompany the application for plan review. The request may be on a form, as provided by the Office, or other written format and shall identify the facility name, project number, estimated construction cost and shall certify to the following:

   A. The repair project is necessary due to damage sustained by the [name of the specified event] which was declared to be a disaster by the governor on [date of the declaration].

   B. The facility cannot presently afford to pay the filing fee.

   C. On [date of application], the health facility applied for federal disaster relief from the Federal Emergency Management Agency (FEMA) with respect to the disaster identified in this request.

D. The facility expects to receive financial assistance within one year of the date of the application for disaster relief.

Payment deferral requests shall be signed by the health facility's chief executive officer or chief financial officer.

2. Within ten business days of receipt of a facility's payment deferral request, the facility will be given written notice by the deputy director either approving or denying the deferral of the project plan review fee. Incomplete requests will be returned to the facility by facsimile within five business days, accompanied by a statement describing what is needed for the request to be complete.
3. If the deferral request is denied by the deputy director, the health facility may appeal this decision to the director of the Office. The appellant must submit a written appeal to the Office within ten business days of receipt of the denial. If an appeal is not received by the Office within the ten business days, the project will be returned to the health facility as incomplete.
4. The plan review fees deferred under this section shall be due and paid in full by the applicant facility within one year from the date of the Office's approval of the project plans. Failure to submit the deferred fee payment will result in an offset against any amount owed by the state to the health facility.

(k) **Seismic examination.** The Office shall charge actual costs for the seismic examination of the condition of a hospital building upon written request to the Office by the governing board or authority of any hospital, pursuant to Section 129835 of the Health and Safety Code. In addition, the minimum filing fee of $250.00 shall apply to each application pursuant to Health and Safety Code Section 129785(a). The total cost paid for these services shall be nonrefundable.

(l) **OSHPD Special Seismic Certification preapproval (OSP).** The Office shall charge for actual review time of new and renewal OSPs at prevailing hourly rates applicable for the review personnel. In addition, the minimum filing fee of $250.00 shall apply to each new and renewal application, pursuant to Section 129785(a) of the Health and Safety Code. The total cost paid for these services shall be nonrefundable.

(m) **OSHPD Preapproval of Manufacturer's Certification (OPM).** The Office shall charge for actual review time of the OPM at prevailing hourly rates applicable for the review personnel, pursuant to Section 129895 of the Health and Safety Code. In addition, the minimum filing fee of $250.00 shall apply to each new and renewal application, pursuant to Section 129785(a) of the Health and Safety Code. The total cost paid for these services shall be nonrefundable.

(n) **Work performed without a permit.** Fees associated with examination, plan review, and construction observation for construction or alteration of any health facility, governed under these regulations, performed without the benefit of review, permitting, and/or observation by the Office, and without the exemption by the Office provided for in Section 7-127, shall be determined in accordance with Section 7-128(d).

(o) **Hospital building seismic compliance extensions.** The Department shall charge actual costs to cover the review and verification of the extension documents submitted, pursuant to Section 130060(g) of the Health and Safety Code. The total cost paid for these services shall be nonrefundable.

(p) **Alternate Method of Compliance.** The fee for an Alternate Method of Compliance/Protection (AMC) application is $250.00. In addition, the Office shall charge actual costs for review of AMCs involving examination on the condition of any hospital building, including but not limited to review for equivalency to the California Building Standards Code. The total cost paid for these services shall be nonrefundable.

(q) **Amended construction documents.** The fee for submittal and review of Amended Construction Documents shall be as follows:

1. **Additional costs.** The minimum filing fee for Amended Construction Documents which result in additional construction costs shall be $250.00.
2. **Cost reductions.** The minimum filing fee for Amended Construction Documents with cost reductions or no cost shall be $500.00. The Office shall charge actual costs for review and approval. Total cost paid for these review services shall be nonrefundable.
3. **Review by examination.** The filing fee for Amended Construction Documents with a change in scope, as defined in Section 7-153(d) exception, shall be $250.00. In addition, the Office shall charge actual costs associated with the examination and review of such documents.

The filing fees established in this subsection are nonrefundable.

(r) **Projects with no construction.** The Office shall charge actual costs for the review of projects that do not have any construction. In addition, the minimum filing fee of $250.00 shall apply to each application pursuant to Section 129785(a) of the Health and Safety Code. The total cost paid for these services shall be nonrefundable.

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129785 and 129850.

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-133. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.
2. (OSHPD/EF 1/91) Emergency order by the Office of Statewide Health Planning and Development to amend Section 7-133, Part 1, Title 24, California Code of Regulations. Filed as an emergency order with the secretary of state September 25, 1991; effective September 25, 1991. Approved as an emergency by the California Building Standards Commission on September 20, 1991.
3. (OSHPD/EF 1/91) Permanent order by the Office of Statewide Health Planning and Development to amend Section 7-133, Part 1, Title 24, California Code of Regulations. Filed as a permanent order with the secretary of state February 25, 1992; effective September 25, 1991. Approved as an emergency by the California Building Standards Commission on February 24, 1992.

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7-134. Fee refund

(a) Upon written request from the applicant, a fee refund may be issued pursuant to this section.

1. The written refund request must be submitted to the Office within:
   a. One year from the date that a Certificate of Occupancy or a Certificate of Substantial Compliance is issued by the office,
   b. One year from the date the project is withdrawn by the applicant, or
   c. One year from the date when an application may become void, based on the requirements of Section 7-129, Time Limitations for Approval.
2. No refund shall be issued before the date the project is closed or withdrawn or the application is voided.
3. If delinquent fees are owed to the Office for any health facility construction project at the subject facility, no refund shall be issued until the delinquent fees are paid.
4. Refunds, pursuant to Section 7-134, shall be exclusive of the $250 filing fee.
5. Refunds shall be calculated pursuant to Sections 7-134 (b) or (c).

(b) Refunds for projects that are completed. If the estimated construction cost of a project exceeds the actual construction cost by more than five percent (5%), the excess portion of the fees paid pursuant to Section 7-133(a)(1) or (2) shall be refunded to the applicant health facility. The refund amount shall be computed based on the amount by which the estimated cost exceeds the actual construction cost.

Exception: The Office will not issue a refund if the applicant did not complete construction of at least 75% of the square footage included in the original approved construction documents for the project, or if the applicant reduces the scope of the project shown on the original approved plans by more than 25%.

(c) Refunds for projects that are withdrawn or cancelled. A portion of the fees paid to the Office, pursuant to Section 7-133, may be refunded to the applicant under the following specified circumstances:

1. If the applicant withdraws a project prior to commencement of plan review, the total fee, exclusive of the $250 filing fee, shall be refunded to the applicant.
2. If the applicant withdraws a project after commencement of plan review and prior to commencement of construction, 30% of the fee submitted for that project shall be refunded to the applicant.
3. If the applicant cancels a project after commencement of construction, the Office shall not issue a refund.
4. If a project submitted under an annual permit is withdrawn by the applicant, the $250 filing fee shall not be refunded by the Office.
5. If fees are paid for a project that is determined by the Office to be exempt from the plan review process or otherwise not reviewable under the Office's jurisdiction, the total fee, exclusive of the $250 filing fee, shall be refunded to the applicant.

(d) If the applicant is able to demonstrate extraordinary circumstances, the Director of the Office may authorize refunds in addition to those specified above.

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129785.

ARTICLE 4—CONSTRUCTION

7-135. Time of beginning construction.

(a) Construction shall not commence until the health facility has applied for and obtained from the Office:

1. Written approval of the construction documents.
2. A building permit.
3. Written acceptance of the testing, inspection and observation program.
4. Written approval of the inspector of record for the project pursuant to Section 7-212(a).

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129850.

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-135. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

7-136. Reserved.

7-137. Notice of start of construction.

(a) As soon as a contract has been awarded, the governing board or authority of the health facility shall provide to the Office, on a form provided by the Office, the following:

1. Name and address of the contractor.
2. Contract price.
3. Date on which contract was awarded.
4. Date of construction start.

Authority: Health and Safety Code Sections 127015, 129785 and 129850; and Government Code, Section 11152.

Reference: Health and Safety Code Section 129785.

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HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-137. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

7-138. Reserved.

7-139. Notice of suspension of construction.

(a) When construction is suspended for more than two weeks, the governing board or authority of the hospital shall notify the Office in writing.

(b) If the work of construction is suspended or abandoned for any reason for a period of one year following its commencement, the Office's approval shall become void. The Office may reinstate the approval as described in Section 7-129(c).

Authority: Health and Safety Code Sections 127015 and 129850.

Reference: Health and Safety Code Sections 129675–129998.

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-139. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

7-140. Reserved.

7-141. Administration of construction.

(a) The administration of the work of construction, including the testing, inspection and observation program, shall be under the responsible charge of an architect and structural engineer. When a structural engineer is not substantially involved, the architect shall be solely responsible. Where neither structural nor architectural elements are substantially involved, a mechanical or electrical engineer registered in the branch of engineering most applicable to the project may be in responsible charge.

(b) All architects and engineers to whom responsibility has been delegated for preparation of construction documents as listed on the application shall observe the work of construction for their portion of the project. They shall consult with the architect or engineer in responsible charge in the interpretation of the approved construction documents, the preparation of changes to the approved construction documents and deferred submittals and the selection of approved agencies.

(c) The architect or engineer in responsible charge or having delegated responsibility may name one or more persons to act as alternate(s) for observation of the work of construction provided such persons are architects or engineers qualified under these regulations to assume the responsibility assigned.

(d) The architect and/or engineer in responsible charge of the work shall prepare and administer a testing, inspection and observation program which shall be submitted to the Office for approval prior to the issuance of the building permit.

(e) The testing program shall identify materials and tests to be performed on the project. The approved agency and/or individual(s) to perform each of the required tests shall also be identified. The testing program shall include, at a minimum, those tests required by applicable sections of the *California Building Standards Code.*

(f) The inspection program shall include a completed application for inspector(s) of record for the project. If a project has more than one inspector of record, the distribution of responsibilities for the work shall be clearly identified for each inspector of record.

(g) The inspection program shall also identify all special inspections to be performed on the project along with approved agency and the individual(s) to perform the inspections. The special inspections shall include, at a minimum, those special inspections required by applicable sections of the *California Building Standards Code.*

(h) The observation program shall identify each design professional that must, through personal knowledge as defined in Section 7-151, verify that the work is in compliance with the approved construction documents.

(i) The design professionals, contractor or owner/builder, approved agency, and the inspector(s) of record shall verify that the work is in compliance with the approved construction documents in accordance with the requirements for personal knowledge as it applies to each participant. The program shall give specific intervals or project milestones at which such reporting is to occur for each affected participant. Each required observation report shall be documented by a Verified Compliance Report form prepared by each participant and submitted to the Office.

(j) The Testing Inspection and Observation (TIO) program shall specify the manner, frequency, duration and reporting of the testing, inspection, and observation of work performed away from the site.

(k) The testing, inspection and observation program shall include samples of test and inspection reports and provide time limits for the submission of reports.

Exception: Samples of test and inspection reports shall not be required when tests and special inspections are performed by an OSHPD Preapproved Agency (OPAA).

(l) All completed test and inspection reports shall be submitted to the inspector of record, the owner and the architect or engineer in responsible charge by the author of the report.

(m) Changes to the testing, inspection and observation program made subsequent to approval by the office shall be submitted to the office in accordance with Section 7-153.

Authority: Health and Safety Code Sections 129825 and 129675-130070.

Reference: Health and Safety Code Sections 129850.

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-141. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

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7-142. Reserved.

7-143. Responsibility of the contractor.

(a) The contractor shall complete the work in accordance with the approved construction documents. The contractor shall not be relieved of any responsibility by the activities of the architect, engineer, inspector or the Office in the performance of their duties.

(b) The contractor shall submit verified compliance reports to the Office in accordance with Section 7-151.

(c) Where no general contractor is involved, the governing body or authority of a health facility shall designate an agent who shall be responsible for the construction of the project in accordance with the approved contract documents and such agent shall submit the verified reports to the Office.

Authority: Health and Safety Code Sections 127015 and 129850.

Reference: Health and Safety Code Sections 129675–129998.

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-143. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

7-144. Inspection.

(a) The hospital governing board or authority shall provide for competent, adequate and continuous inspection by one or more Inspector(s) of Record (IOR) satisfactory to the architect or structural engineer or both, in responsible charge of the work, or the engineer in responsible charge of the work and the Office. An Inspector of Record associated with a project shall not have any current employment relationship with any entity which is a contracting party for the construction of the project or providing any services for the hospital other than those required of an IOR.

(b) Inspectors of Record are prohibited from any project activities involving the actual performance of construction, or the scheduling, coordination or supervision of construction contractors for the project.

(c) The Inspector of Record shall be capable of performing all essential inspection functions of the job.

(d) When the hospital governing board or authority proposes more than one IOR for a construction project, a lead IOR shall be identified to coordinate construction inspection and communication with the Office. The lead IOR must be allocated the majority of their time on project inspection responsibilities that are identified in the IOR responsibility matrix of the approved TIO Program. The lead IOR approved for the project must be present on site to obtain personal knowledge, to ensure continuous inspection, to coordinate the inspection responsibilities of additional IORs, and to verify that all required documentation is being maintained on site during the construction of the project, inclusive of the coordination of special inspectors, testing, and project-specific approved testing agencies. The employment of special inspectors or assistant inspectors shall not be construed as relieving the Inspector of Record of his or her duties and responsibilities.

(e) IOR(s) for a hospital construction project shall be approved by the Office in accordance with the provisions of Section 7-212.

Authority: Health and Safety Code Sections 18929 and 129675 - 130070.

Reference: Health and Safety Code Section 129825.

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-144. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.
2. (OSHPD 1/96) 1996 Annual Code Adoption Cycle will amend Section 7-144, of Part 1, Title 24, C.C.R. Filed with the secretary of state on March 4, 1997; effective April 3, 1997. Approved by the California Building Standards Commission on February 6, 1997.

7-145. Continuous inspection of the work.

(a) The general duties of the IOR shall be as follows:

1. The IOR shall have personal knowledge, obtained by continuous inspection of all parts of the work of construction in all stages of its progress to ensure that the work is in accordance with the approved construction documents.
2. Continuous inspection means complete inspection of every part of the work. Work, such as concrete or masonry work which can be inspected only as it is placed or assembled, shall require the constant presence of the IOR. Other types of work which can be completely inspected after the work is installed may be carried on while the IOR is not present. In no case shall the IOR have or assume any duties which will prevent continuous inspection.
3. The IOR shall work under the direction of the architect or engineer in responsible charge. All inconsistencies or seeming errors in the approved construction documents shall be reported promptly to the architect or engineer in responsible charge for interpretation and instructions. In no case, however, shall the instructions of the architect or engineer in responsible charge be construed to cause work to be done which is not in conformity with the approved construction documents.
4. The IOR shall maintain a file of approved construction documents on the job at all times including all reports of tests and inspections required by the construction documents and shall immediately return any unapproved documents to the architect or engineer in responsible charge for proper action. The IOR shall also maintain on the job at all times, all codes and regulations referred to in the approved construction documents.
5. The IOR shall notify the Office in writing:
   A. When the work is started or resumed on the project.
   B. At least 48 hours in advance of the time when foundation trenches will be complete, ready for footing forms.
   C. At least 48 hours in advance of the first placing of concrete.
   D. When work has been suspended for a period of more than two weeks.

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6. The IOR(s) shall maintain field records of construction progress for each day or any portion of a day that they are present at the project site location. The field record shall state the time of arrival, time of departure, a summary of work in progress and noted deficiencies in the construction or deviations from the approved construction documents. The field record shall document the time and date of all significant correspondence with the contractor regarding incomplete work, potential deficiencies or deviations which require the contractor's attention and could potentially affect the timely and compliant completion of the project. This field record shall document the date, time and method of correction for any noted deficiencies or deviations. In addition, this record shall contain the following as applicable:
   A. Copies of all certificates, tags, marks or other evidence of material properties and/or manufactured components as required by the *California Building Standards Code*.
   B. The time and date of placing concrete; time and date of removal of forms and shoring in each portion of the structure; location of defective concrete; and time, date and method of correction of defects.
   C. Identification marks of welders, lists of defective welds, and manner of correction of defects and other related events.
   D. A list of test reports of all nonconforming materials or defective workmanship and shall indicate the corrective actions taken.
   E. The names and certificate numbers (when applicable) of all special inspectors who perform work both on- and off-site.
   F. When driven piles are used for foundations, the location, length and penetration under the last ten blows for each pile. It shall also include a description of the characteristics of the pile driving equipment.
   G. The log of changes to the work prepared by the architect or engineer in responsible charge required by Section 7-153(e).
7. Field records may be kept electronically. All field records of construction progress shall be retained on the job until the completion of the work and shall, upon request, be made available to the Office, the architect or engineer in responsible charge and the owner. Electronic records may be retained off-site if made available during on-site and remote review of documents. Upon completion of the project, these original field records shall be submitted to the hospital governing board or authority.

(b) The IOR shall notify the contractor, in writing, of any deviations from the approved construction documents or new construction not in compliance with the *California Building Standards Code,* which have not been immediately corrected by the contractor. Copies of such notice shall be forwarded immediately to the architect or engineer in responsible charge, owner and to the Office.

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129850.

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-145. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

7-146. Reserved.

7-147. Observation by the Office.

(a) During the construction, of any health facility, the Office shall make such observation as in its judgment is necessary or proper for the enforcement of these regulations and all applicable parts of the *California Building Standards Code*.

Whenever the Office finds a violation of these regulations and/or applicable parts of the *California Building Standards Code* that requires correction, the citation of the violation shall be issued to the hospital governing board or authority in writing and shall include a proper reference to the regulation or statute being violated.

Authority: Health and Safety Code Sections 127015, 129825 and 129850.

Reference: Health and Safety Code Sections 129675–129998.

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-147. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

7-148. Reserved.

7-149. Tests.

(a) Pursuant to Section 7-141, the architect or engineer in responsible charge shall establish and administer the testing program. Where job conditions warrant, the architect and/or engineer may waive certain specified tests contingent upon the approval of the Office. The Office shall be notified as to the disposition of materials noted on laboratory reports. One copy of all test reports shall be forwarded to the inspector of record, owner and the architect or engineer in responsible charge by the testing agency. The reports shall state definitely whether the material tested complies with the approved construction documents.

(b) The governing board or authority of a health facility shall select an approved agency to conduct the tests. The selected approved agency shall be acceptable to the architect or engineer in responsible charge. The governing board or authority shall pay for all tests.

Authority: Health and Safety Code Sections 127015 and 129850.

Reference: Health and Safety Code Sections 129675–129998.

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-149. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

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7-150. Reserved.

7-151. Verified compliance reports.

(a) In accordance with Section 7-151(f), or when required by the Office, the architect(s), engineers(s), inspector(s) of record (IORs), approved agency, special inspector(s) and contractor or owner/builder shall each submit to the Office a verified compliance report, with their signature and based on their own personal knowledge, as defined by this section. The report shall:

1. Verify that the work during the period, or a portion of the work, covered by the report has been performed and materials used and installed are in accordance with the construction documents.
2. Set forth detailed statements of fact as are required by the Office.

(b) Personal knowledge as applied to the licensed architect or engineer or both, shall be in accordance with Health and Safety Code (H&SC) Section 129830. Knowledge that is obtained from the reporting of others as referred to in this H&SC section applies to individuals who have personal knowledge for the specific project.

(c) Personal knowledge as applied to the IOR, shall be in accordance with Health and Safety Code (H&SC) Section 129830 as applied to the inspector. Knowledge that is obtained from the reporting of others as referred to in this H&SC section applies to individuals who have personal knowledge for the specific project.

(d) Personal knowledge as applied to the contractor, shall be in accordance with Health and Safety Code (H&SC) Section 129830 as applied to the contractor.

(e) Personal knowledge, as applied to the approved agency, means the knowledge that is obtained from testing, special inspections and reports prepared in accordance with the CBC Section 1704.2.4 or 1704A.2.4 and these regulations.

(f) Verified compliance reports shall be submitted to the Office at the intervals or stages of the work as stated in the approved testing, inspection and observation program. In no case shall the submittal of verified compliance reports be less than:

1. One copy prepared and signed by each required participant or discipline at the completion of the work.
2. One copy prepared and signed by any participant or discipline at any time a special verified compliance report is required by the Office.

(g) The architect or engineer in responsible charge of the work shall be responsible for ensuring all required verified compliance reports are submitted to the Office.

Authority: Health and Safety Code Sections 127015 and 129850.

Reference: Health and Safety Code Sections 129675–129998.

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-151. Filed with the secretary of state on August 4, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

7-152. Replacement of an architect, engineer, inspector of record, approved agency, special inspector or contractor.

(a) When replacing any of the listed firms, Inspector of Record, contractor and/or approved agency the following shall be submitted to the Office:

1. Prior to plan approval
   A. Revised application(s) listing the new responsible individuals) and/or approved agency.
2. Following construction document approval
   A. Revised application(s) listing the new responsible individual(s) and/or approved agency.
   B. An initial report, prepared by the new responsible individual(s) and/or approved agency, based on field observation(s) that the work performed and materials used and installed to date are in accordance with the project's construction documents. Any observed issues of nonconformance shall be listed in the report. The new individual(s) and/or approved agency shall be responsible for verification of project compliance, pursuant to Section 7-151, for the remainder of the project.
   C. A final verified report from the individual(s) and/or approved agency being replaced.

      Exception to (C): In the event that the individual(s) and/or approved agency being replaced refuse to, or cannot provide a final verified report, the owner shall submit a letter to the Office verifying that the work performed and materials used and installed are in accordance with the project's construction documents. The letter shall also list the reason the verified report could not be obtained.

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129850.

7-153. Changes to the approved work.

(a) **Changes in the work.** Work shall be executed in substantial conformance with the construction documents approved by the Office. Changes in the work shall be made by amended construction documents approved by the Office. Changes in the work include, but are not limited to, the following: Correction of errors in design and/or construction to bring the construction documents and/or construction into compliance with applicable codes; change(s) in the scope of the work; and additional work required because of discovered conditions. Only changes that materially alter the work shall be submitted to the Office for review and approval as amended construction documents.

1. **Amended construction documents.** Changes or alterations of the approved construction documents shall be made by means of amended construction documents. Amended construction documents shall be submitted with a form provided

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by the Office and shall state the reason for the change and show the estimated or actual addition to or deduction from the current, estimated or actual, contract amount. The form shall be signed by the architect or engineer, or delegated architect or engineer as allowed by Section 7-115, and shall be accompanied by supplementary construction documents, when necessary. The construction documents shall be stamped and signed pursuant to Section 7-115. All changes shall be clearly described. The form and construction documents shall be submitted for review and approval by the Office. All amended construction documents shall be approved by the Office prior to installation of the work.

2. **Emergencies.** Emergency changes in the work relating to the safety of persons at the construction site may be made immediately. Such emergency changes shall be documented by subsequent amended construction documents and may require modification to comply with these regulations.

(b) **Changes that do not materially alter the work.** The following types of changes in the work do not materially alter the work and do not require the submission of amended construction documents to the Office:

1. Substitution of equipment, products, or materials. The equipment, product or material substituted must be code compliant; perform the same function as the equipment, product, or material that it is replacing; must not increase the mechanical or electrical loads to the building systems; must not increase loads to lateral or gravity load-bearing structural frame members; and must meet the design requirements for the project.

   Note: Changing from one kind of equipment, product or material to another, such as changing from drilled-in concrete anchors to concrete screw anchors or changing the top-of-wall fire-resistive material/design are not considered substitutions and require the submittal of an amended construction document to the Office for review. If calculations by a structural engineer are necessary to determine structural or nonstructural adequacy, an amended construction document must be submitted to the Office for review.

2. New details that are referenced standards or preapproved details or based on other approved referenced standards or preapproved details. Reference to the approved details must be shown.

3. Final routing configurations of ducts, conduits, pipes, etc., where these are shown diagrammatically on the approved plans.

   Note: Submittal of an amended construction document will be required when additional fire/smoke dampers, non preapproved seismic fittings, or specially engineered braces or hangers are necessary to accommodate the final configuration or routing.

4. Dimensional changes to rooms that do not affect code required minimum dimensions, fixed dimensions, minimum room or space requirements and required clearances.

   Note: Applicable code sections and minimum dimension and space requirements must be shown on plans for confirmation by Office field staff.

5. Relocation of doors, windows, electrical switches and outlets, plumbing fixtures, etc., that do not require additional changes to the work to make the relocation code compliant.

6. Relocation or reconfiguration of cabinetry that does not affect code required minimum dimensions and clearances, minimum room or space requirements, or minimum storage requirements. Such cabinetry reconfiguration shall not increase loads to supporting members, such as wall studs and ceiling framing.

   Note: Applicable code sections and minimum dimensions and space requirements must be shown on plans for confirmation by Office field staff.

If the architect or engineer in responsible charge of a project determines that changes to the approved construction documents are necessary that do not materially alter the work, all such changes shall be stamped and signed by the appropriate design professional(s) pursuant to Section 7-115. All changes in the work are subject to concurrence of the Office field staff as to whether or not the change materially alters the work.

(c) **Code compliance.** Changes in the work that do not require amended construction documents shall not be deemed to grant authorization for any work to be done in violation of the provisions of any applicable code.

(d) **Changes in scope.** Amended construction documents that change the scope of the original project shall be required to be submitted as a separate project.

Exception: At the discretion of the Office, changes in scope may be submitted as amended construction documents. The Office may require the documents to be reviewed as an examination subject to fees required by Section 7-133(q)(3).

(e) **Documentation of changes.** The architect or engineer in responsible charge shall maintain a log of all changes to the work of construction. The log shall indicate whether the Office has made a determination as to whether each change materially alters the work, the date such determination was made, and the name of the Office staff who made the determination. The log shall be maintained on the project site as part of the inspector's field records.

Authority: Health and Safety Code Sections 18929 and 129675-130070.

Reference: Health and Safety Code Sections 129850.

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-153. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.
2. (OSHPD 7/96) 1996 Annual Code Adoption Cycle will amend Section 7-153, of Part 1, Title 24, C.C.R. Filed with the secretary of state on February 19, 1997; effective March 21, 1997. Approved by the California Building Standards Commission on February 6, 1997.

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7-154. Reserved.

7-155. Final approval of the work.

(a) The Office shall schedule a final state agency review of the work subsequent to the receipt of the responsible architect's or engineer's statement that the contract is performed or substantially performed.

(b) The final approval of the construction shall be issued by the Office when:

1. All work has been completed in accordance with the approved construction documents.
2. The required final verified compliance reports and final test and inspection reports have been filed with the Office.
3. All remaining fees have been paid to the Office.

(c) Final approval shall be confirmed by a letter sent to the Department of Public Health with a copy to the applicant. The letter shall state that the work has been constructed in accordance with the *California Building Standards Code,* Title 24, California Code of Regulations.

Authority: Health and Safety Code Sections 127015 and 129850.

Reference: Health and Safety Code Sections 129675–129998.

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-155. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

7-156. Certification of correctional treatment centers.

(a) Construction documents prepared by or under the supervision of the Department of Corrections and Rehabilitation for the new construction, reconstruction, alteration or addition of any hospital building and/or correctional treatment center, as defined in Section 1250, Health and Safety Code, or any building specified in Section 129875, Health and Safety Code shall be certified to the Office by the Department of Corrections and Rehabilitation. Construction documents and construction of these facilities shall be in full compliance with all applicable building standards including, but not limited to, architectural, structural, mechanical, plumbing, electrical, and fire and life safety.

The Department of Corrections and Rehabilitation shall use a secondary peer review procedure to review the design of new construction, reconstruction, alteration or addition in order to ensure that the construction documents are in compliance with the building standards of Title 24, Parts 2, 3, 4, 5 and 9. The secondary peer review shall be performed by a California licensed architect, structural engineer, mechanical engineer and electrical engineer, as applicable.

Upon completion of construction, a written certification signed by the Director or designee of the Department of Corrections and Rehabilitation shall be submitted to the Office and shall include:

1. Description of the project scope;
2. Certification that construction documents and construction are in full compliance with all applicable building standards of Title 24, Parts 2, 3, 4, 5 and 9;
3. Certification that a secondary peer review has been completed and the peer review indicates that the design for new construction, reconstruction, alteration or addition to the facility adheres to all building standards of Title 24, Parts 2, 3, 4, 5 and 9;
4. Certification that construction inspection was performed by a competent on-site inspector and that all work was completed in accordance with the complying construction documents; and
5. Attachments which include the final as-built construction documents.

(b) Construction documents prepared by or under the supervision of a city, county or city and county law enforcement agency for the new construction, reconstruction, alteration or addition of any hospital building and/or correctional treatment center, as defined in Section 1250, Health and Safety Code, or any building specified in Section 129875, Health and Safety Code shall be certified to the Office by the law enforcement agency. Construction documents and construction of these facilities shall be in full compliance with all applicable building standards including, but not limited to, architectural, structural, mechanical, plumbing, electrical and fire and life safety.

Upon completion of construction a written certification signed by the law enforcement agency head or designee shall be submitted to the Office and shall include:

1. Description of the project scope;
2. Certification that construction documents and construction are in full compliance with all applicable building standards of Title 24, Parts 2, 3, 4, 5 and 9; and
3. Attachments which include the final as-built construction documents.

Authority: Health and Safety Code Sections 1275, 127010, 127015, 129790 and 129850.

Reference: Health and Safety Code Section 15076.

HISTORY:

1. (OSHPD 2/96) 1996 Annual Code Adoption Cycle will add Section 7-156, of Part 1, Title 24, C.C.R. Filed with the secretary of state on March 4, 1997: effective April 3, 1997. Approved by the California Building Standards Commission on February 6, 1997.

7-157. Records. (Deleted)

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to delete Section 7-157. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

7-158. Reserved.

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ARTICLE 5—APPEALS TO THE HOSPITAL BUILDING SAFETY BOARD

7-159. Grounds for appeal.

(a) The Hospital Building Safety Board shall act as a board of appeals in the following:

1. All matters relating to the administration and enforcement of building standards relating to the design, construction, alteration and seismic safety of health facility projects submitted to the Office pursuant to the Health and Safety Code, notwithstanding Health and Safety Code Section 13142.6 and except as provided in Health and Safety Code Section 18945.
2. Matters relating to all fire and panic safety regulations and alternate means of protection determinations for health facility projects submitted to the Office pursuant to the Health and Safety Code, notwithstanding Health and Safety Code Section 13142.6.
3. Explicitly enumerated matters identified in Health and Safety Code Sections 130060, 130061, and 130064 of the Health and Safety Code.

Only those matters identified in this section shall be appealable to the Hospital Building Safety Board. An appeal pursuant to this section may be made only by the current or prospective licensee of a health facility or their authorized agent, hereafter known as the appellant.

(b) Appeals made pursuant to this section shall be considered by the Hospital Building Safety Board only following the completion of the Comment and Process Review, held in accordance with Section 7-161.

7-161. Comment and Process Review (CPR).

(a) **First Level Review.** In the event that the appellant disagrees with a ruling, order, decision or act of the Office in a matter listed in Section 7-159(a), the appellant must first seek to resolve the issue informally with the original decision maker.

(b) **Second Level Review.** In the event that the appellant disagrees with a ruling, order, decision or act of the Office following First Level Review as described in (a) of this section, the appellant may submit a request for Second Level Review to the immediate supervisor of the original decision maker. A request for Second Level Review must be submitted in writing within ten (10) calendar days of issuance of the initial ruling, order, decision or act, and must include the following:

1. The name, mailing or e-mail address, and telephone number of appellant;
2. Identification of the specific ruling, order, decision or act to be reviewed;
3. The reason for the requested review;
4. Specific aspects of the decision with which the appellant disagrees and a proposal of alternatives the appellant would like for the reviewer to consider; and
5. Copies of any documents or data the appellant believes support the appellant's case or that the appellant believes would assist the reviewer.

(c) **Third Level Review.** In the event that the appellant disagrees with a determination made pursuant to (b) of this section, or in the event that the Second Level Reviewer does not issue to the appellant a response to the request for Second Level Review within ten (10) calendar days of submission of the request, the appellant may submit a request for Third Level Review by submitting in writing the information described in Section 7-161(b)(1)-(5) to the Deputy Division Chief.

(d) **Fourth Level Review.** In the event that the appellant disagrees with a determination made pursuant to (c) of this section, or in the event that the Third Level Reviewer does not issue to the appellant a response to the request for Third Level Review within ten (10) calendar days of submission of the request, the appellant may submit a request for Fourth Level Review by submitting in writing the information described in Section 7-161(b)(1)-(5) to the Deputy Director. The Deputy Director shall provide the appellant with the written notice of his or her final determination.

(e) In the event that the appellant disagrees with the final determination of the Deputy Director pursuant to (d) of this section, or in the event that the Deputy Director does not issue to the appellant a response to the request for Fourth Level Review within ten (10) calendar days of submission of the request, appellant may request a formal hearing before the Hospital Building Safety Board pursuant to Section 7-163.

7-163. Formal hearing request.

Consistent with Section 7-159 and upon completion of the Comment Process Review procedure identified in Section 7-161, the appellant may appeal the final determination of the Deputy Director to the Hospital Building Safety Board. To request a formal hearing, the appellant shall submit a written request for appeal containing the information described in Section 7-161(b)(1)-(5) to the Hospital Building Safety Board through the Office within fifteen (15) calendar days of issuance of the Deputy Director's final determination pursuant to Section 7-161(d). Any request for appeal received by the Office more than fifteen (15) calendar days after issuance of the Deputy Director's final determination pursuant to Section 7-161(d) may be considered at the discretion of the Office.

7-165. Formal hearing.

(a) The Hospital Building Safety Board shall act as the hearing body for appeals submitted pursuant to Section 7-163 and shall conduct a public hearing on the appeal.

(b) The Chair of the Hospital Building Safety Board shall call a hearing on an appeal. The hearing shall be convened at a location selected by the Chair.

(c) The hearing shall be held within forty-five (45) calendar days of receipt by the Office of the written request for appeal described in Section 7-163. The parties to the appeal shall be notified in writing of the time and place of the hearing within fifteen (15) calendar days of receipt by the Office of the request for appeal.

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(d) At least three (3) voting members of the Board shall be present at the hearing. The decision shall bear the endorsement of a simple majority of the Board members present.

(e) The proceedings shall be recorded. Transcripts shall be made available to anyone making a request therefor upon deposit with the Hospital Building Safety Board of the amount of money which the Office has determined necessary to cover the costs of transcript preparation.

(f) The appellant may, at his or her own expense, arrange for stenographic recording and transcription of the hearings.

7-167. Rights of the appellant.

The appellant shall have the right to counsel, to submit documentary evidence and exhibits, to present and rebut evidence, to have witnesses appear and testify, and to question representatives of the Office and other witnesses presenting testimony or documents in the hearing. These rights shall be executed by the appellant at the appellant's own expense.

7-169. Appeal hearing procedure.

(a) An appeal hearing conducted by the Hospital Building Safety Board shall not be conducted in accordance with strict rules of evidence or courtroom procedure. During the hearing, the Chair may accept into the record without formal proof any generally accepted technical or scientific matter related to seismic, architectural, structural, mechanical, electrical, fire and life safety or health facilities. Hearsay evidence may be allowed for the purpose of supplementing or explaining other evidence, but shall not be sufficient by itself to support the findings.

(b) The Chair of the hearing shall determine the order of witnesses and presentation and introduction of documents, evidence and exhibits into the record of the hearing. The Chair may impose reasonable time limits, rule on admissibility of evidence, maintain decorum in the hearings, call recesses and rule on continuation of the hearings.

(c) The Chair may request counsel from the Office for advice on points of law.

(d) Prior to closing of the hearing, the Chair shall announce the decision of the Board.

7-171. Decision on appeal.

(a) A decision on an appeal heard by the Hospital Building Safety Board shall be reached as follows:

1. The Board shall render a decision prior to the closing of the hearing.
2. The Board may affirm, reverse or amend the ruling, order, decision or act being appealed.
3. Decision of the Hospital Building Safety Board shall become effective immediately upon their announcements by the Chair of the Board, unless otherwise specified by the Chair.

(b) The decision of the Board shall be provided in writing to the parties within fifteen (15) calendar days of the formal hearing held pursuant to Section 7-165.

(c) If less than a quorum of the voting members of the Board were present for the formal hearing held pursuant to Section 7-165, the appellant may appeal the written decision for hearing at the next regularly scheduled meeting of the Hospital Building Safety Board. The appellant shall submit a written request for such an appeal to the Hospital Building Safety Board through the Office no later than ten (10) days after the Board issues the written decision pursuant to Section 7-171(b). The appeal shall be heard at the next regularly scheduled meeting of the Hospital Building Safety Board, but not less than twenty (20) days after receipt of the request.

Authority: Health and Safety Code Sections 18929 and 129675-130070.

Reference: Health and Safety Code Section 129955.

HISTORY:

I. (OSHPD 2/95) Regular order by the Office of Statewide Health Plan- ning and Development to amend Section 7-171. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

ARTICLE 5.5—APPEALS TO A HEARING OFFICER

7-173. Grounds for appeal.

(a) A hearing officer selected by the Director of the Office shall hear appeals in only the following:

1. Underestimation, undervaluation, or understatement of construction costs pursuant to Section 7-133(a)(4)(E) and Section 7-133(a)(7)(E).
2. Inspector of Record certification suspension or revocation pursuant to Section 7-214(d).

(b) An appeal pursuant to subsection (a) may be made only by one of the following:

1. In the case of a dispute regarding underestimation, undervaluation, or understatement of construction costs, the current or prospective licensee of a health facility or their authorized agent.
2. In the case of a dispute regarding Inspector of Record certification suspension or revocation pursuant to Section 7-214(d), only an Inspector of Record whose certification has been suspended or revoked pursuant to Section 7-214(d).

7-175. Formal hearing request.

(a) Consistent with Section 7-173, the appellant may appeal a final ruling, order, decision or act of the Office to a hearing officer. The appellant must submit a request for a formal hearing in writing to the Office within fifteen (15) calendar days of issuance of the written result of the formal conference and must contain the following:

1. The name, mailing or e-mail address, and telephone number of appellant;
2. Identification of the specific ruling, order, decision or act to be reviewed;
3. The reason for the requested review;

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4. Specific aspects of the decision with which the appellant disagrees and a proposal of alternatives the appellant would like the reviewer to consider; and
5. Copies of any documents or data the appellant believes support the appellant's case or that the appellant believes would assist the reviewer.

(b) All appeals submitted after fifteen (15) calendar days of issuance of the result of the formal conference shall be considered only at the discretion of the Office.

7-177. Formal hearing.

(a) A hearing officer selected by the Director of the Office shall act as the sole adjudicator for an appeal pursuant to Article 5.5 and shall conduct a hearing on the appeal.

(b) The hearing officer shall call a hearing on an appeal. The hearing shall be convened at either the Sacramento or the Los Angeles location of the Office.

(c) The hearing shall be held within thirty (30) calendar days of issuance of the written request for formal hearing pursuant to Section 7-175. The parties to the appeal shall be notified in writing of the time and place of the hearing within fifteen (15) calendar days of receipt by the Office of the written request for formal hearing.

(d) The decision shall reflect the judgment of the hearing officer selected to hear the appeal.

7-179. Rights of the appellant.

The appellant shall have the right to counsel, to submit documentary evidence and exhibits to present and rebut evidence, to have witnesses appear and testify, and to question representatives of the Office and other witnesses presenting testimony or documents in the hearing. These rights shall be executed by the appellant at the appellant's own expense.

7-181. Appeal hearing procedure.

(a) An appeal hearing conducted by the hearing officer shall not be conducted in accordance with strict rules of evidence or courtroom procedure. During the hearing, the hearing officer may accept into the record without formal proof any generally accepted technical, supportive, or validating matter related to the issue.

(b) The hearing officer shall determine the order of witnesses and presentation and introduction of documents, evidence and exhibits into the record of the hearing. The hearing officer may impose reasonable time limits, rule on admissibility of evidence, maintain decorum in the hearings, call recesses and rule on the continuation of the hearings.

(c) The hearing officer may request counsel from the Office for advice on points of law.

(d) The hearing officer shall adjourn the appeal hearing after both the appellant and the Office have had an opportunity to present and rebut evidence.

7-183. Decision on appeal.

A decision on an appeal heard by a hearing officer shall be reached as follows:

(a) The hearing officer shall issue a written decision to the appellant within fifteen (15) calendar days of adjournment of the appeal hearing.

(b) The hearing officer may affirm, reverse or amend the ruling, order, decision or act being appealed.

(c) Decisions of a hearing officer made pursuant to this section shall be final and binding and shall become effective immediately upon issuance of a written decision by that hearing officer unless otherwise specified by that hearing officer.

Authority: Health and Safety Code Sections 18929 and 129675-130070.

Reference: Health and Safety Code Section 129850 and 129935-129955.

ARTICLE 6—CONTRACTS

7-191. Contract qualification criteria.

(a) Individuals performing services under contracts entered into with the Office pursuant to Health and Safety Code, Section 129855 shall meet the following qualifications.

1. Plan reviews shall be performed only by architects or engineers validly certified under Division 3 of the Business and Professions Code as follows:
   A. **Selection criteria.** The director shall establish selection criteria which will comprise the basis for the selection of eligible firms or local government entities to independently perform the required architectural and engineering services. The criteria will include such factors as:
      (1) Professional experience in performing services of similar nature.
      (2) Knowledge of applicable codes, regulations and technology associated with the services required.
      (3) Quality and relevance of recently completed or ongoing work.
      (4) Reliability, continuity and proximity of firm or local government entity to the Office.
      (5) Demonstrated competence.
      (6) Staffing capability.
      (7) Education and experience of key personnel to be assigned.

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(8) Current workload and ability to meet review deadlines according to schedule.

(9) Other technical factors the director deems relevant to the specific service to be performed.

These factors shall be weighed by the director according to the nature of the proposed project or service, the complexity and special requirements of the specific services and the needs of the Office.

Authority: Health and Safety Code Sections 129850, 129855 and 18949.3; Government Code Section 4526.

Reference: Government Code Sections 4526 and 4527.

B. **Announcement.**

(1) A statewide announcement of specific services sought from firms shall be published in the California State Contracts Register, in accordance with the Government Code (commencing with Section 14825), and whenever possible, in the publications of the respective professional societies. Failure of any professional society to publish the announcement shall not invalidate any contract. Services sought from the local government entities are exempt from advertising in the California State Contracts Register pursuant to standard State of California operating procedures.

(2) The announcement for each proposed project or service shall include, at a minimum, a brief description of the project or services required, location, duration, submittal requirements, contact person for the Office, and the final response date for receipt of statements from firms of their demonstrated competence and professional qualifications.

(3) The director shall identify potentially qualified minority, women and disabled veteran business enterprises and small businesses interested in contracting with the Office, and shall provide copies of announcements to those businesses that have indicated an interest in receiving the announcements. Failure of the director to send a copy of an announcement to any business shall not invalidate any contract.

Authority: Health and Safety Code Sections 129850, 129855 and 18949.3; Government Code Section 4526.

Reference: Government Code Sections 4526 and 4527.

C. **Selection of qualified firms.**

(1) After the expiration of the final response date in the published announcement, the director shall review and evaluate the written responses to the announcement, using the selection criteria contained in Section 7-191(a)1A, and rank, in order of qualifications, the firms determined as eligible to perform the required services.

(2) The director shall conduct discussions with at least the three most eligible firms, or a lesser number if fewer than three eligible firms have responded, to further expand on those qualifications and experience required to perform the services sought. From the firms with which discussions are held, the director shall select, in order of qualification, not less than three firms, or lesser number if fewer than three eligible firms responded, deemed to be the most highly qualified to perform the required services.

Authority: Health and Safety Code Sections 129850, 129855 and 18949.3; Government Code Section 4526.

Reference: Government Code Sections 4526 and 4527.

D. **Selection of qualified local government entities.**

(1) For specific services to be performed by local government entities, the director shall solicit, review and evaluate the qualifications of the local government entities using the selection criteria contained in Section 7-191(a)1A.

(2) The director shall select, in order of qualification, those local government entities deemed to be the most highly qualified to perform the required services.

Authority: Health and Safety Code Sections 129850, 129855 and 18949.3; Government Code Section 4526.

Reference: Government Code Sections 4526 and 4528.

E. **Estimate of value of services.**

(1) Before entering into fee negotiations with any firm or local government entity selected pursuant to Section 7-191(a)1C(2) or D, the Office shall prepare an estimate of the value of the proposed services based on accepted billable rates for comparable services.

(2) At any time the director determines the Office's estimate to be unrealistic, the director shall require the estimate to be reevaluated and, if deemed necessary, modified. If the director modifies an estimate, negotiations will resume with the best qualified firm or local government entity.

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129855 and Government Code Section 4526.

F. **Fee negotiation with firms.**

(1) The director shall ask firms selected pursuant to Section 7-191(a)1C(2) to submit a fee schedule of hourly billable rates. The director shall then attempt to negotiate hourly billable rates determined to be fair and reasonable with the firms, beginning with the best qualified and continuing with the remaining firms, in order of qualifications.

(i) The firm negotiating with the director shall be given two opportunities to respond to the Office's request to meet the fair and reasonable estimate for hourly billable rates for the contract services;

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(ii) The firm must respond within 7 business days to each request by the Office for a new estimate which either meets or does not exceed by more than 10 percent the Office's fair and reasonable estimate for hourly billable rates; and

(iii) If after the second attempt, the firm is nonresponsive or a satisfactory hourly billable rate cannot be negotiated, the director shall terminate negotiations with that firm.

(2) After successful negotiations, a retainer contract will be executed with the firm. There may be multiple contracts awarded and each shall specify a contract period and monetary limitation. Work shall commence only upon execution of an assignment. Assignments will be negotiated pursuant to Section 7-191(a)1G.

(3) For firms selected pursuant to Section 7-191(a)1C(2) to provide services for a specific project where the scope of work is extremely complex or unusual, fee negotiations will proceed in accordance with Section 7-191(a)1G.

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129855 and Government Code Sections 4526 and 4528.

G. **Services negotiations with firms.**

(1) From among the firms selected in Section 7-191(a)1C(2), as most highly qualified to perform services required, the director shall attempt to negotiate a satisfactory assignment or contract with the best qualified firm at a compensation which the Office determines to be fair and reasonable.

(i) The firm negotiating with the director shall be given two opportunities to respond to the Office's request to meet the fair and reasonable estimate for assignment or contract services;

(ii) The firm must respond within 7 business days to each request by the Office for a new estimate which either meets or does not exceed by 10 percent the Office's fair and reasonable estimate;

(iii) If after the second attempt, the firm is nonresponsive or a satisfactory rate cannot be negotiated, the director shall terminate negotiations with that firm; and

(iv) Negotiations with the next best-qualified firm shall commence.

(2) The director shall continue the negotiation process with the remaining qualified firms, if any, in order of qualifications, until a satisfactory assignment or contract is reached. If unable to negotiate a satisfactory assignment or contract with any of the qualified firms, the director shall abandon the negotiation process for the required services.

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129855 and Government Code Sections 4526 and 4528.

H. **Fee and services negotiation with local government entities.**

(1) From among the local government entities selected in Section 7-191(a)1D(2), as most highly qualified to perform services required, the director shall attempt to negotiate a satisfactory contract with the best qualified local government entity at a compensation which the Office determines to be fair and reasonable.

(2) If the director is unable to negotiate a satisfactory contract with the best qualified local government entity at a compensation which is determined to be fair and reasonable, negotiations with that local government entity shall be terminated and negotiations undertaken with the second best qualified local government entity. If unable to negotiate a satisfactory contract with the second best qualified local government entity at a compensation which the Office determines is fair and reasonable, negotiations with that local government entity shall be terminated and negotiations undertaken with the third best qualified local government entity. If unable to negotiate a satisfactory contract with the third best qualified local government entity at a compensation which the Office determines is fair and reasonable, negotiations with that local government entity shall be terminated.

The director shall continue the negotiation process with the remaining qualified local government entities, if any, in order of qualifications, until a satisfactory contract is reached. If unable to negotiate a satisfactory contract with any of the qualified local government entities, the director shall abandon the negotiation process for the required services.

Authority: Health and Safety Code Sections 129850, 129855 and 18949.3; Government Code Section 4526.

Reference: Government Code Sections 4526 and 4528.

I. **Amendments.** When the director determines that a change in the assignment or contract is necessary during the performance of the services, the parties may, by mutual consent, in writing, agree to modifications, additions or deletions in the general terms, conditions and specifications for the services involved, with an appropriate adjustment in the firm's or local government entity's compensation, if necessary.

Authority: Health and Safety Code Sections 129850, 129855 and 18949.3; Government Code Section 4526.

Reference: Government Code Sections 4526 and 4528.

J. **Contracting in phases.** When the director determines it is necessary or desirable for a project to be performed in separate phases, increments or stages due to a change in design or scope of work, the director may negotiate compensation for the initial phase, increment or stage of the services required; provided, however, the director first determines that the firm selected is best qualified to perform the entire project. The assignment shall include a provision that the Office may, at its option, utilize the firm to perform other phases, increments or stages of the services

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under terms which the Office determines to be fair and reasonable, to be later negotiated and included in a mutual written agreement. In the event that the Office exercises its option under the contract to utilize the firm to perform other phases, increments or stages of the project, the procedures of this article regarding estimates of value of services and negotiation shall be followed.

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129855 and Government Code Sections 4526 and 4528.

K. **Statewide participation goals.** In the negotiation of a satisfactory contract as provided in Section 7-191 (a)1F and G, qualified firm(s) must meet the statewide participation goals for minority, women and disabled veteran business enterprises or demonstrate that a good faith effort was made to meet them. The best qualified firm shall comply with the statewide participation goals or demonstrate a good faith effort as required by the regulations contained in Title 2, California Code of Regulations, Sections 1896.61-1896.67 and 1896.90-1896.96.

Authority: Government Code Section 4526; Public Contract Code Section10115.3.

Reference: Government Code Section 4528; Public Contract Code Sections 10115, 10115.1, 10115.2 and 10115.3.

L. **Emergency.** When the director makes a finding that the public health, safety or welfare would be adversely affected in a significant way because insufficient time exists within which to implement the foregoing procedure to secure necessary services, the director may negotiate a contract for such services without the necessity of following such procedure, or any part thereof.

Authority: Health and Safety Code Sections 129850, 129855 and 18949.3; Government Code Section 4526.

Reference: Government Code Section 4526.

M. **Unlawful considerations.** Each contract shall include a provision by which the firm or local government entity warrants that the contract was not obtained or secured through rebates, kickbacks or other unlawful considerations either promised or paid to any Office employee. Failure to adhere to this warranty may be cause for contract termination and recovery of damages under the rights and remedies due the Office under the default provision of the contract.

Authority: Government Code Section 4526.

Reference: Government Code Section 4526.

N. **Prohibited relationships.** No Office employee who participates in the evaluation or selection process leading to award of a contract shall have a relationship with any of the firms or local government entity seeking that contract, if that relationship is subject to the prohibition of Government Code Section 87100.

Authority: Government Code Section 4526.

Reference: Government Code Sections 4526, 87100 and 87102.

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-191. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.
2. (OSHPD/EF 1/92) Emergency order by the Office of Statewide Health Planning and Development to amend Sections 7-111 and 7-191, Part 1, Title 24, California Code of Regulations. Filed as an emergency order with the secretary of state September 1, 1992; effective September 1, 1992. Approved as an emergency by the California Building Standards Commission on August 27, 1992.
3. (OSHPD/EF 1/92, permanent) Emergency order by the Office of Statewide Health Planning and Development to amend Sections 7-111 and 7-191, Part 1, Title 24, California Code of Regulations. Filed as a permanent order with the secretary of state on March 9, 1993; effective March 9, 1993. Approved as a permanent order by the California Building Standards Commission on March 5, 1993.

ARTICLE 7—TESTING AND INSPECTIONS

Testing and inspections shall be in accordance with the *California Building Standards Code.*

ARTICLE 8—CALIFORNIA BUILDING STANDARDS

Design and construction shall be in accordance with the *California Building Standards Code* for the following:

1. Architectural,
2. Mechanical,
3. Plumbing,
4. Electrical,
5. Structural,
6. Energy,
7. Fire and life safety, and
8. Accessibility.

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ARTICLE 19—CERTIFICATION AND APPROVAL OF HOSPITAL INSPECTORS

7-200. Administration of hospital inspector examination and certification.

(a) The Office shall test and certify inspectors in one or more of the following classes:

1. Class "A" Hospital Inspector may inspect all areas of construction, including: architectural, mechanical, plumbing, electrical, fire and life safety, and structural elements.
2. Class "B" Hospital Inspector may inspect only the following areas of construction: architectural, mechanical, plumbing, electrical, fire and life safety, and anchorage of nonstructural elements.
3. Class "C" Hospital Inspector may inspect one or more areas of construction specialty, including but not limited to the areas listed in Section 7-204(c)l, but may not inspect the complete scope of construction authorized for "A" or "B" inspectors.

(b) In order to be certified in and perform the scope of responsibilities of a hospital inspector as specified in paragraph (a) (1), (2) or (3), an individual must be successful in the examination for that classification.

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129825.

7-201. Contact with office. All correspondence, applications and remittances related to the certification or recertification of Hospital Inspector shall be directed to the Department of Health Care Access and Information, Office of Statewide Hospital Planning and Development, Hospital Inspector Certification Program.

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129850.

7-202. Filing change of name, address or telephone number. An applicant for the certification examination or a Hospital Inspector possessing a valid certificate issued by the Office, shall file name, mailing address or telephone number changes with the Office in Sacramento within 10 working days of that change. The information filed shall include both the new and former name, mailing address or telephone number.

Authority: Health and Safety Code Sections 1275, 127010, 127015, 129680 and 129825.

Reference: Health and Safety Code Sections 129680 and 129825.

7-203. Applying for the certification examination.

(a) An applicant may apply for the Hospital Inspector Certification Exam by submitting, to the Office, the following items prior to the final filing date announced for a scheduled exam:

1. A completed application, provided by the Office, shall be submitted to the Office in Sacramento and shall include the exam title, preferred examination location, applicant's name, mailing address and telephone number. An application for an examination is valid for one year commencing with the first available examination date. If applicant has not taken an exam within that one-year period, a new application and exam fee must be submitted to participate in a future exam.
2. Certificates or transcripts indicating educational courses completed by the applicant which relate to the minimum qualifying requirements stated in Section 7-204.
3. Work verification form or letter from current and/or previous employer(s) regarding any job which meets the minimum qualifications for the certification examination and which includes the applicant's name, dates of employment, job description and employer's signature.
4. An "Application Review Fee" in the amount specified on a certification examination announcement for a scheduled exam and pursuant to Section 7-206.

(b) Incomplete submittals may be rejected by the Office. The application, documents and fees will be returned to the applicant with a statement of reason for nonacceptance.

(c) Upon review, verification and evaluation of the applicant's qualifications, the Office will notify the applicant, in writing, of eligibility or ineligibility for entrance to the requested certification examination.

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129850.

7-204. Minimum qualification for examination.

An applicant must meet the following criteria to be eligible to participate in the certification examination for a Class "A," "B," or "C" Hospital Inspector.

(a) **Minimum qualifications for Class "A" Hospital Inspector Exam:**

1. High school graduation or the equivalent and six years experience involving building projects of Type I or II construction as an architect's, engineer's, owner's, local building official's or general contractor's representative in technical inspection of major structural and nonstructural systems and components of buildings. [Note: Experience in subsection (a)1 may be substituted with college education with major work in architecture, engineering, building inspection and/or construction on a year-for-year basis for a maximum of two years.]; or
2. Possess a valid California registration/license as a mechanical, electrical, or civil engineer and two years experience involving building projects of Type I or II construction as an architect's, engineer's, owner's, local building official's or general contractor's representative in technical inspection of major structural and nonstructural systems and components of buildings; or

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3. Two years of satisfactory performance as a Class "B" Hospital Inspector of Record on hospital projects of significant scope and complexity as determined by OSHPD; or
4. Possess a valid California registration/license as a structural engineer or a valid California license as an architect.

(b) **Minimum qualifications for Class "B" Hospital Inspector Exam:**

1. High school graduation or the equivalent and four years experience involving building projects of Type I or II construction as an architect's, engineer's, owner's, local building official's or general contractor's representative in technical inspection of major structural and nonstructural systems and components of buildings. [Note: Experience in subsection (b)1 may be substituted with college education with major work in architecture, engineering, building inspection and/or construction on a year-for-year basis for a maximum of two years.]; or
2. Possess a valid California registration/license as a civil engineer and two years experience involving building projects of Type I or II construction as an architect's, engineer's, owner's, local building official's or general contractor's representative in technical inspection of more than one major structural or nonstructural system of buildings (structural, mechanical, electrical or plumbing); or
3. Possess a valid California registration/license as a structural, mechanical or electrical engineer, or a valid California license as an architect; or
4. High school graduation or the equivalent, two years' experience involving building projects of Type I or II construction as an architect's, engineer's, owner's, local building official's or general contractor's representative in technical inspection of major structural and nonstructural systems and components of buildings, and possession of valid certification in all of the following four categories:
   - International Code Council (ICC) certification as a California Commercial Building Inspector (I1),
   - International Code Council (ICC) certification as a California Commercial Electrical Inspector (I2),
   - International Association of Plumbing and Mechanical Officials (IAPMO) certification as a California Plumbing Inspector,
   - International Association of Plumbing and Mechanical Officials (IAPMO) certification as a California Mechanical Inspector.

(c) **Minimum qualifications for Class "C" Hospital Inspector Exam:**

1. High school graduation or the equivalent and four years experience involving commercial or institutional building projects as the representative in testing, inspection or observation of construction for an architect, engineer, owner, local building official, local fire authority, testing lab, specialty contractor or general contractor and must possess valid certification issued by an organization specified in 4 below.

   [Note: Experience in subsection (c)(1) may be substituted with college education with major work in architecture, engineering, building inspection and/or construction on a year-for-year basis for a maximum of two years.]; or
2. Possess a valid California registration/license as an engineer and two years experience involving building projects as an architect's, engineer's, owner's, local building official's, local fire authority's, specialty contractor's or general contractor's representative in testing inspection or observation of construction and must possess at least one valid certificate issued by an organization that is listed or described in (c)(4); or
3. Possess a valid California registration/license as a civil, mechanical or electrical engineer, or a valid California license as an architect and must possess at least one valid certificate issued by an organization specified in (4).
4. In addition to the experience requirements described in (c)1, 2 or 3 above, the applicant must have certification corresponding to the Class C certification sought as follows:

   Accessibility – Division of the State Architect Certification as a Certified Access Specialist (CASp)

   Anchorage/Bracing of Nonstructural Components – Certification to be administered by the Office

   Electrical – International Code Council (ICC) certification as a California Commercial Electrical Inspector (I2)

   Fire Alarm – National Institute for the Certification of Engineering Technologies (NICET) certification in "Fire Alarm Systems, Level III" or International Code Council (ICC) certification as a Commercial Fire Alarm Inspector (I2)

   Fire Resistive Construction – International Code Council (ICC) certification as a California Commercial Building Inspector (I1)

   Framing and Drywall – International Code Council (ICC) certification as a California Commercial Building Inspector (I1)

   Inspection and Testing of Water Based Systems – National Institute for the Certification of Engineering Technologies (NICET) certification in "Inspection and Testing of Water Based Systems, Level III"

   Mechanical – International Association of Plumbing and Mechanical Officials (IAPMO) certification as a California Mechanical Inspector

   Medical Gas Systems – National Inspection Testing Certification (NITC) Certification as Medical Gas Inspector 6020

   Plumbing – International Association of Plumbing and Mechanical Officials (IAPMO) certification as a California Plumbing Inspector

   Roofing – International Code Council (ICC) certification as a California Commercial Building Inspector (I1)

In addition to the certifications listed, the Office, at its sole discretion, may accept equivalent certification by other state- or nationally-recognized organizations.

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129825.

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7-206. Fees.

(a) Fees required pursuant to subsection (b), shall be transmitted by credit card, money order, cashier check, certified check or personal check, and payable to the Department of Health Care Access and Information.

(b) The prescribed fees relative to the Hospital Inspector Certification Program shall be specifically charged to the applicant to recover reasonable costs of administering the certification program. Fees shall be charged as follows:

Application review	$100.00	(nonrefundable)
Exam for Class "A" Inspector Certification	300.00	
Exam for Class "B" Inspector Certification	300.00	
Exam for Class "C" Inspector Certification	100.00	(for each specialty certificate)
Late fee	100.00	
Recertification exam	100.00	
Recertification retest	100.00	
Reschedule fee	100.00	
Delinquency fee	100.00	
Duplicate certificate	25.00	

(c) An application review fee must accompany an application for a certification examination. This fee is nonrefundable.

(d) An exam fee shall be submitted by an applicant for a specified examination prior to participation in the examination.

(e) An applicant shall forfeit the exam fee if the applicant fails to appear for any portion of the exam for which the applicant is scheduled.

1. If the applicant cancels and/or reschedules their examination, the applicant shall pay a fee to reschedule their exam.

(f) If the Office has a need to reschedule an exam, a qualified applicant who has submitted the exam fee prior to the reschedule will be either reimbursed or credited for the exam fee amount.

(g) A late fee shall be submitted by the applicant if their recertification application is postmarked after the final filing date.

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129825.

7-207. Examination for certification.

(a) Prior to receiving certification, the candidate shall take and pass an examination administered by the Office.

(b) The scope of the written certification examinations is as follows:

1. The examinations for Class "A" and "B" Hospital Inspectors will measure the applicant's ability to read and understand construction documents; ability to identify and understand the application of various *California Building Standards Code* requirements; knowledge of appropriate inspector duties and ability to communicate in writing. The test will be divided into sections covering the following code enforcement areas of construction inspection, where applicable: structural, architectural, mechanical, electrical, fire and life safety, and administrative.
2. The examination for Class "C" Hospital Inspectors will measure the applicant's ability to identify and understand the application of various *California Building Standards Code* requirements; knowledge of appropriate inspector duties and ability to communicate in writing. The candidate's inspection certification, pursuant to Section 7-204(c)(l) above, may be substituted for the technical aspect of the written certification examination for Class "C" Hospital Inspector.

(c) In order to be successful in the Class "A," "B" or "C" certification exam, a candidate must obtain a passing score in each section of the written exam.

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129850.

7-208. Conduct relative to the examination.

(a) An applicant or candidate who participates in any of the following acts before, during or after the administration of the examination, shall be disqualified by the Office and not be eligible for certification. The applicant shall not:

1. Violate any rules of the examination.
2. Bring unauthorized reference material or electronic device(s) into the examination room.
3. Copy any portion of the exam.
4. Participate in collusion regarding the exam.
5. Disclose the contents of the examination questions to anyone other than a person authorized by the Office.
6. Solicit, accept or compile information regarding the contents of the examination.
7. Falsify documents required for exam entrance.

(b) If an applicant is disqualified from the exam, it shall result in denial of the application and forfeiture of fees submitted to the Office as specified in Section 7-206.

(c) An applicant or candidate who is disqualified from an examination may not participate in an examination or reexamination for a period of time as determined by the Office, but not less than one year from the date of disqualification.

(d) An applicant, candidate or certified hospital inspector who is determined to have violated any of the provisions of Section 7-208(a) may be subject to suspension or revocation of certification in accordance with Section 7-214.

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Authority: Health and Safety Code Sections 1275, 127010, 127015, 129680 and 129825.
Reference: Health and Safety Code Sections 129680 and 129825.

7-209. Reexamination.

(a) A candidate who has failed an examination may participate in a reexamination no sooner than six months from the exam previously taken by the candidate. In order to participate in a reexamination, the candidate must submit an application for a reexamination accompanied by the examination fee pursuant to Section 7-206.

(b) An applicant or candidate who is disqualified from an examination may not participate in an examination or reexamination for a period as determined by the Office, but not less than a period of one year from the date of disqualification.

(c) The applicant may refile for an examination by submitting an application, documents and fees pursuant to Sections 7-203 and 7-206.

(d) A candidate who passes all sections of the Class "A" or "B" exam except one, may retest in only that section. Failure to achieve a passing score on the retested section will be considered failure of the entire exam. The candidate may apply to retake the complete exam pursuant to subsections (a) and (b).

Authority: Health and Safety Code Sections 18929 and 129675–130070.
Reference: Health and Safety Code Section 129850.

7-210. Issuance of certification.

(a) If a candidate is successful in the certification or recertification examination, a certificate will be issued to the Hospital Inspector by the Office. Certificates will expire three years from the date of issuance with the following exception:

1. Certification may be revoked or suspended pursuant to Section 7-214.

(b) A duplicate certificate will be granted to a Hospital Inspector for replacement of an original certificate that is lost, destroyed or mutilated upon written request and payment of the duplication fee, as required in Section 7-206.

Authority: Health and Safety Code Sections 18929 and 129675–130070.
Reference: Health and Safety Code Section 129825.

7-211. Renewal of a hospital inspector certificate.

(a) A Hospital Inspector shall participate in a written recertification exam prior to the expiration of the certification in order to renew and maintain valid certification.

(b) To be eligible for the recertification exam, a Hospital Inspector shall maintain all certifications and prerequisites required to qualify for certification as specified in Section 7-204; and

1. Possess a valid unexpired Hospital Inspector Certificate or an expired certificate that meets the delinquency criteria in subsection (c).
2. Complete a seminar conducted, sponsored, or cosponsored by the Office within the three-year certification period.
3. Submit a recertification application and exam fee pursuant to Section 7-206.

(c) Expired certification may be reinstated after the expiration date, but within six months past that date. The Hospital Inspector will be required to pay a delinquency fee, pursuant to Section 7-206, in order to reinstate certification during the six-month delinquency period. If an inspector fails to reinstate certification within this time frame, the inspector will be required to pass a certification exam to obtain new certification as a Hospital Inspector.

(d) If a Hospital Inspector fails the recertification exam a re-test may be offered by the Office. If a retest is offered, the Hospital Inspector will be required to pay the recertification exam fee again for the retest. The inspector must meet the requirements of provision (b) to maintain a valid certificate.

(e) If a Hospital Inspector fails the recertification exam, the inspector must meet the requirements of provision (b) to maintain a valid certificate.

Authority: Health and Safety Code Sections 18929 and 129675–130070.
Reference: Health and Safety Code Section 129850.

7-212. Approval of hospital inspector of record for construction projects.

(a) It is incumbent upon the hospital governing board or authority and the architect or structural engineer, or both, in responsible charge of the work, or the engineer in responsible charge of the work, to select the appropriate inspector(s) for a project. The hospital governing board or authority shall submit to the Office an application for each Hospital Inspector of Record proposed to perform construction inspection on a specified hospital construction project. The hospital governing board or authority shall obtain Office approval of proposed Hospital Inspector(s) of Record prior to commencement of the hospital construction project in accordance with Section 7-135.

(b) The Office shall not approve a proposed Hospital Inspector of Record for a specified hospital construction project if the Office determines one of the following:

1. The Hospital Inspector of Record applicant does not hold a valid Hospital Inspector certificate pursuant to the provisions of these regulations.
2. The Hospital Inspector is not appropriately certified in the class of inspection required for the scope of the construction project. The Class "C" inspector does not possess a current certificate for the area of inspection proposed in accordance with Section 7-204(c)l.

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3. The Hospital Inspector is a former Office employee pursuant to subsection (c) and is within the one year restriction period governing the Office's approval of an inspector.
4. The Hospital Inspector is committed to a workload outside the specified hospital construction project and is unable to allot adequate time to perform the work and to fulfill all IOR responsibilities on the specified construction project, as determined by the process set forth in subsection (d).
5. The Hospital Inspector is the architect or engineer in responsible charge of the work for the construction project specified on the Hospital Inspector of Record application.

   Exception: The Office may approve the architect or engineer in responsible charge of the work, when in the determination of the Office: (A) the project scope, duration and complexity do not merit a separate individual to serve as the Hospital Inspector of Record, and (B) the ability of the Office to obtain accurate and impartial inspection will not be jeopardized.

(c) A former employee of the Office who performed field inspections/observations or supervised staff performing field inspections/observations during employment with the Office shall not be approved for a project by the Office as a Hospital Inspector of Record within one year from the effective date of separation from the Office.

(d) When the Office determines that the cumulative workload of a Hospital Inspector of Record applicant appears excessive and may hinder competent and adequate inspection of a specified hospital construction project, the Office may request that the Hospital Inspector of Record applicant submit a written plan including a work schedule and indicating a means to perform inspection on the specified hospital construction project. The office may withdraw the inspector's approval due to failure to comply with any part of 7-145.

The Office will consider specific work-related factors when reviewing the Hospital Inspector's work schedule to determine approval, pursuant to subsection (b)4. These work-related factors are limited to the following:

1. The geographic location of current work sites,
2. The scope of current projects,
3. The current phase of each project, and
4. The number of current projects.

(e) When an inspector is approved by the Office, written notification will be sent to the hospital governing board or authority; the architect and/or engineer in responsible charge of the construction project; and the inspector of record applicant. The inspector must be in possession of this approval notice prior to commencement of construction.

(f) A Hospital Inspector of Record who has been approved by the Office must maintain valid certification throughout the term of the specified project in order to remain a Hospital Inspector of Record on the project. The Office shall rescind approval of a Hospital Inspector of Record on a project if the inspector does not comply with this provision.

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129825.

7-213. Monitoring of the hospital inspector of record's performance. When the Office determines that a Hospital Inspector of Record has violated a provision of these regulations or that the inspector is not competently or adequately providing inspection of a facility to ensure the hospital construction is in compliance with the construction documents, the Office will notify that inspector, the hospital governing board or authority, and the architect and/or engineer in responsible charge. The written notification will include the Office's findings, reference to the statute and/or regulation being violated, and statement of the Office's intent to issue a "stop work" order unless the violation ceases and is rectified immediately.

Authority: Health and Safety Code Sections 1275, 127010, 127015, 129680 and 129825.

Reference: Health and Safety Code Sections 129680, 129825 and 129998.

7-214. Suspension or revocation of certification.

(a) A hospital inspector of record certification, issued by the Office, may be suspended or revoked, as determined by the Office. A certification may be suspended or revoked if: (1) the Office determines that one or more grounds for suspension/revocation exist and the immediate suspension of a certification is necessary for health and safety reasons, or (2) the Office determines that reasonable grounds exist for the suspension/revocation of a certification based upon the evidence presented.

(b) **Grounds for suspension and/or revocation.** The Office or third parties may propose the suspension/revocation of a certification to the Office based on evidence of a certificate holder's (1) incompetent inspection(s); (2) inadequate inspection(s); (3) misrepresentation(s); (4) misconduct; and/or (5) violation(s) of these regulations.

(c) **Process for suspension and/or revocation.** The Office shall investigate the alleged inappropriate activity, as identified in Section 7-214(b), of the certificate holder, gather evidence related to the incident(s) in question, and interview witnesses, if appropriate. Based upon consideration of the evidence presented, the Office shall determine whether or not reasonable grounds exist for the suspension/revocation of certification.

In the event that the Office determines that reasonable grounds exist for suspension/revocation, the Office will notify the certificate holder in writing. The notice shall provide the certificate holder with an opportunity to participate in a formal conference and/or present additional evidence before a final determination is made. The Office must receive a written request for a formal conference and/or additional evidence from the certificate holder within 15 calendar days of the issuance of notice. If the Office does not receive a timely request for a formal conference, the Office may issue a final determination as to the suspension/revocation.

A formal conference may be conducted in person or by telephone. The Office shall make a final determination as to the suspension/revocation after considering all the evidence on record, including the formal conference and/or any additional information

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submitted by the certificate holder. Written notification of the Office's final determination will be provided to the certificate holder within 15 calendar days of the formal conference, if applicable.

(d) **Suspension** is appropriate when the Office determines any of the following: (1) a certificate holder negligently or incompetently commits an act amounting to one or more grounds for suspension identified in Section 7-214(b); (2) the evidence demonstrates solitary, limited or isolated incident(s) rather than a course of negligent/incompetent conduct on the part of the certificate holder in question; and/or (3) other factors, including but not limited to mitigating circumstances or facts relating to the certificate holder's course of conduct, support the suspension of the certification in lieu of revocation.

A certification may be suspended for a minimum of one month to a maximum of six months. The duration of suspension will be determined by the Office upon consideration of all of the evidence on record, and account for the severity of the action(s) constituting grounds for suspension.

(e) **Revocation** is appropriate when the Office determines any of the following: (1) a certificate holder knowingly, willfully or with gross negligence commits an act amounting to one or more grounds for revocation identified in Section 7-214(b); (2) the evidence demonstrates a course of actionable conduct and/or a history of repeated or continuous deviations from the general standard of care in the inspection industry; and/or (3) the Office determines that other factors, including but not limited to damages to third parties or facts related to the certificate holder's course of conduct, justify the revocation of the certification in lieu of suspension.

A certification, once revoked, is no longer valid and may not be renewed pursuant to Section 7-211. In the event that a certificate holder has his or her hospital inspector certification revoked consistent with this Section, he or she may not apply for a new certification for a period of three years from the date of the Office's final written determination identified in Section 7-214(c).

(f) **Appeal.** A final written determination of the Office related to the suspension and/or revocation of a certificate may be appealed by the certificate holder pursuant to Article 5.5 of these regulations.

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129850.

7-215. Conduct relative to performance.

(a) For a certified inspector to provide competent services, they must act with integrity, honesty, and objectivity. This Code reflects the expectations of the Office for not only inspectors, but also all professionals working on any facility subject to inspection. An inspector shall expect others to act with integrity, honesty, and objectivity. If an inspector believes that any person on the project lacks integrity, honesty, and objectivity, the inspector shall bring it to the attention of the Office.

The Code of Ethics requires that an inspector shall:

1. Uphold their duty to the profession, the project, and the public.
2. Maintain an impartial, respectful, and unprejudiced attitude.
3. Treat all persons encountered with courtesy.
4. Be familiar with and obey all state and federal laws that may apply to the inspection being conducted.
5. Maintain their professional competence through ongoing education.
6. Ensure they have access to all pertinent facts which are reasonably available before making any suggestions or drawing any conclusions in the course of a construction inspection.
7. Work efficiently, and only in the area of their competence.
8. Not receive compensation on a contingency payment basis for either work or referrals.
9. Neither accept nor solicit anything of value from any party associated with the facility subject to inspection.
10. Make neither unjust nor unreasonable demands.
11. Never be involved in a construction inspection where any direct or indirect conflict of interest may be cause for concern about the final report's objectivity.
12. Conduct themselves in a professional manner at all times.
13. Strive to maintain and improve professional standards in the field of environmental assessment and be willing to assist HCAI to that end.
14. Refrain from engagement in inspection without a valid and active certification.
15. Follow the directions of the design professional in charge of the project.

ARTICLE 20—REPAIR OF DAMAGE AFTER AN EMERGENCY

7-300. Plan review and approval.

(a) All repair projects are subject to prior plan review, plan approval and construction permit by the Office except as noted in subsection (b).

(b) For emergency repairs carried out without the Office plan review and permit in the aftermath of an emergency, an application for plan review must be submitted with construction documents, fees and a letter of transmittal stating the reasons for emergency repairs within 10 business days of the temporary authorization. Back checks shall be resubmitted within 10 business days of receiving comments. Photographs, if available, and reports of damage and repairs should also be submitted with the application.

Additional repairs may be required if the emergency repairs do not comply with the code. For alternate fee payment methodology, see Section 129787 of the Health and Safety Code.

(c) Plan reviews for emergency damage repairs will be performed on a priority basis. The application for plan review should clearly state that the scope of the project is to repair the damage from the emergency. Where possible, reviews will be made over the counter.

(d) Plan review fees shall be payable for all damage repair projects in accordance with the following:

1. 1.64 percent of estimated construction costs for hospitals.
2. 1.50 percent of estimated construction cost for skilled nursing facilities (SNF) or intermediate care facilities (ICF).
3. For alternate fee payment methodology, see Section 129787 of the Health and Safety Code.
4. An examination fee where review of existing plans is required. The fee will be calculated on a time and material basis at the prevailing hourly rates applicable for the review personnel.

(e) Office recommends predesign conference with architects/engineers to resolve code issues relevant to the repair projects.

Authority: Health and Safety Code Section 129850.

Reference: Health and Safety Code Sections 129785, 129787 and 129820.

7-301. Appeals. The Hospital Building Safety Board shall act as a board of appeals with regard to disagreements between the Office and hospital/SNF/ICF authorities on interpreting the repair policy or the establishment of the degree of damage. (Section 7-159 of Administrative Regulations for the Office)

Authority: Health and Safety Code Section 129850.

Reference: Health and Safety Code Section 129925.

7-305. All buildings.

Where the repairs to damage caused by an emergency are required, facilities may reopen, after temporary repairs, for a limited period of time subject to the following.

1. **Temporary repairs:** The hazard resulting from damage to the facility is abated and the facility is at least restored to its pre-emergency condition or its equivalent.
2. **Permanent repairs/retrofit:** The owner successfully negotiates with the Office a time bound plan for the permanent repairs/retrofit of the damaged facilities required by these regulations.

Authority: Health and Safety Code Section 129850.

Reference: Health and Safety Code Sections 129725 and 129820.

HISTORY:

1. (OSHPD/EF 1/95) Emergency order by the Office of Statewide Health Planning and Development to add Sections 7-300 through 7-305, Part 1, Title 24, California Code of Regulations. Filed as an emergency order with the secretary of state on September 8, 1995; effective September 8, 1995. Approved as an emergency by the California Building Standards Commission on September 7, 1995.
2. (OSHPD/EF 1/95, permanent) Emergency order by the Office of Statewide Health Planning and Development to add Sections 7-300 through 7-305, Part 1, Title 24, California Code of Regulations. Filed as a permanent order with the secretary of state on November 30, 1995. Since there were no changes, effective date remains September 8, 1995.

ARTICLE 21—PLAN REVIEW, BUILDING INSPECTION AND CERTIFICATION OF SURGICAL CLINICS, CHRONIC DIALYSIS CLINICS AND OUTPATIENT SERVICES CLINICS

7-2100. Scope of responsibilities.

(a) Except as otherwise provided in these regulations, a city or county building jurisdiction shall be responsible for plan review and building inspection of new construction or alteration of clinic facilities specified in 7-2100(a)(1), (2), (3) and (4) and shall also provide certification that the clinic facilities identified in 7-2100(a)(1), (2) and (3) are in conformance with the applicable clinic provisions in the latest edition of the *California Building Standards Code.* For clinic facilities identified in 7-2100(a)(1), (2) or (3), construction or alteration shall include buildings converted to the specific purpose.

1. Surgical clinic as defined in Health and Safety Code, Section 1204(b)(1).
2. Chronic dialysis clinic as defined in Health and Safety Code, Section 1204(b)(2).
3. Surgical and/or chronic dialysis clinic building which is freestanding from a building where hospital services are provided and as defined in Health and Safety Code, Section 129725(b)(1).
4. Any building where hospital outpatient clinical services are provided that is freestanding from a hospital building, as defined in Health and Safety Code, Section 129725(a), except those buildings identified in 7-2100(a)(3).

(b) The city or county shall not establish or apply building standards for the construction or alteration of hospital licensed free-standing clinics, as described in Section 7-2100(a)(3) and (4), which are more restrictive or comprehensive than comparable building standards established or applied to clinic facilities which are not hospital licensed pursuant to Health and Safety Code, Chapter 1 (commencing with Section 1200) of Division 2.

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129885.

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7-2101. Surgical clinic and chronic dialysis clinic project submittal to the local building jurisdiction.

(a) The governing authority or owner of a clinic, as described in Section 7-2100(a)1 and 2, shall submit construction plans to the city or county, as applicable, for plan review, building inspection and certification. Certification by the local building jurisdiction shall indicate that the project clinic is in conformance with the applicable clinic provisions in the latest edition of the *California Building Standards Code.*

Exception: Notwithstanding Section 7-2100(a)(1) and (2), the governing authority or owner may request the Office to perform the plan review and certification, pursuant to Section 7-2102.

(b) Upon the clinic's initial submittal of project plans, the city or county shall advise the governing authority or owner, in writing, of its decision that plan review services will either include certification or not include certification.

(c) If the city or county indicates to the governing authority or owner that it will include certification with plan review of the specified clinic project, the city or county shall:

1. Review plans to all applicable provisions in the latest edition of the *California Building Standards Code* and;
2. Provide written certification to the applicant within 30 days of completion of construction that the applicable clinic provisions have been met.

(d) If the city or county indicates to the applicant that it will not include certification with plan review of the specified clinic project, the city or county shall review the plans to the provisions of the latest edition of the *California Building Standards Code*, excluding the clinic provisions. The governing authority or owner shall also submit the following items to the Office:

1. A completed application and construction documents for the clinic project, pursuant to Section 7-113, and;
2. A fee, pursuant to Section 7-2106.

(e) The Office shall review the construction documents to determine whether or not the clinic project meets the applicable clinic provisions in the latest edition of the *California Building Standards Code.*

(f) Upon completion of plan review and receipt of all applicable fees, the Office shall provide the clinic applicant with written certification that the project construction documents meet the clinic provisions in the latest edition of the *California Building Standards Code.*

(g) Building construction inspection for the clinic project shall be performed by the local jurisdiction.

7-2102. Request for the office to provide plan review for surgical clinics and chronic dialysis clinics.

(a) If the governing authority or owner of a clinic, as described in Section 7-2100(a)(1) or (2), elects to request the Office to provide plan review services for a clinic project, in lieu of the city or county, the request shall be submitted to the Office in writing. The Office will consult with the applicable local building jurisdiction prior to acceptance or nonacceptance of the plan review request and subsequently notify the clinic, in writing, of its decision.

(b) If the Office agrees to provide plan review and certification services for the governing authority or owner, the applicant shall submit the following items to the Office:

1. A completed application and design construction documents for the clinic project, pursuant to Section 7-113, and;
2. A fee, pursuant to Section 7-2106.

(c) The Office shall review the plans to all applicable provisions in the latest edition of the *California Building Standards Code.*

(d) Upon completion of plan review and receipt of all applicable fees, the Office shall provide the applicant with written certification that the project construction documents meet the applicable clinic provisions in the latest edition of the *California Building Standards Code.*

(e) Building construction inspection for the project clinic shall be performed by the local building jurisdiction. Therefore, the governing authority or owner shall submit to the city or county applicable project documents required for these building inspection services.

7-2103. Hospital outpatient services clinic project submittal to local building jurisdiction.

(a) The hospital governing authority or owner of a freestanding outpatient services clinic, as described in Section 7-2100(a)(3) or (4), shall submit construction plans to the city or county, as applicable, for plan review and building inspection, pursuant to this section or may request the Office to perform plan review and building inspection, pursuant to Section 7-2104. Certification by the local building jurisdiction that the project clinic is in conformance with the applicable clinic provisions in the latest edition of the *California Building Standards Code* is also required for clinics described in 7-2100(a)(3).

(b) If the hospital governing authority or owner of a clinic, as described in Section 7-2100(a)(3), initially submits clinic plans to the city or county for plan review, the city or county shall respond to the clinic owner, in writing, stating its decision of whether or not the plan review will include certification.

(c) If the city or county indicates to the hospital governing authority or owner that it will include certification with plan review of the specified clinic project, the city or county shall:

1. Review plans to all applicable provisions in the latest edition of the *California Building Standards Code* and;
2. Provide written certification to the applicant within 30 days of completion of construction that the applicable clinic provisions have been met.

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(d) If the city or county indicates to the hospital governing authority or owner that it will not include certification with plan review of the specified clinic project, the city or county shall review the plans to the provisions of the latest edition of the *California Building Standards Code*, excluding the clinic provisions. The applicant shall also submit the following items to the Office:

1. A completed application, construction documents for the clinic project, pursuant to Section 7-113, and;
2. A fee, pursuant to Section 7-2106.

(e) The Office shall review the construction documents for certification to determine whether or not the clinic project meets the applicable clinic provisions in the latest edition of the *California Building Standards Code.*

(f) Upon completion of plan review and receipt of all applicable fees, the Office shall provide the clinic applicant with certification that the project construction documents meet the applicable clinic provisions in the latest edition of the *California Building Standards Code.*

(g) Building construction inspection for the project clinic shall be performed by the local building jurisdiction.

7-2104. Plan review and building inspection by the office for hospital outpatient services clinics.

(a) The hospital governing authority, as described in Section 7-2100(a)(3) or (4), may request that the Office perform plan review and building inspection for a clinic project, in lieu of the city or county performing these services. This request shall be submitted to the Office in writing.

(b) The Office shall perform the requested plan review and building inspection services when the hospital governing authority submits the following items to the Office:

1. A completed application, construction documents for the clinic project, pursuant to Section 7-113; and
2. A fee, pursuant to Section 7-2106.

(c) For clinic facilities described in Section 7-2100(a)(3), upon completion of the building construction and receipt of all applicable fees, the Office will provide certification that the construction documents and construction comply with the applicable provisions in the *California Building Standards Code.*

(d) A clinic building which has been accepted by the Office, pursuant to paragraph (a) of this section, shall remain under the jurisdiction of the Office for plan review and building inspection of any subsequent alterations, unless the hospital governing authority or owner submits written notification to the Office, requesting the applicable city or county building jurisdiction to conduct plan review and building inspection for subsequent construction projects of the specified clinic.

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129885.

7-2105. "Hospital Building" designation of a freestanding hospital-owned clinic.

(a) A building which is under the Office's jurisdiction, pursuant to Section 7-2104(d) may be designated as a "hospital building" by the hospital governing authority or owner under the following conditions:

1. The hospital governing authority or owner submits written notification to the Office indicating the determination to designate the building as a "hospital building" and;
2. The subject building remains under the jurisdiction of the Office for plan review and building inspection.

(b) A building designated as a "hospital building," pursuant to Section 7-2105(a), shall be reviewed and inspected to verify compliance with the standards and requirements for a hospital building, as defined in Health and Safety Code, Part 7, Chapter 1, (commencing with Section 129675).

7-2106. Fees for review of specified clinics.

(a) Fees for plan review services of clinic buildings described in Section 7-2100(a)1, 2 and 3, shall be in an amount not to exceed the actual cost of performing the services.

Exception: When the Office accepts a request from the hospital governing authority or owner to perform plan review and building inspection services for those buildings described in Section 7-2100(a)3, the fee requirements of Section 7-133(a)(1) which apply to hospital buildings shall also apply to the project building.

(b) When the Office accepts a request from the hospital governing authority or owner to perform plan review and building inspection services for those buildings described in Section 7-2100(a)(4), the fee requirements of Section 7-133(a)(1) which apply to hospital buildings shall also apply to the project building.

(c) Fees shall be paid as follows:

1. A nonrefundable filing fee of $250.00 shall accompany the application for plan review. This filing fee will be applied toward the total fees due for the project.
2. After a preliminary review of the required documents received and determination of the services to be performed, the Office will provide an estimate of the total review fee due based on costs to be incurred.
3. The applicant shall submit payment of the estimated fee prior to start of the plan review and building inspection services.
4. If during the review/inspection process it appears that actual costs will exceed the estimate by more than five percent (5%), the applicant will be informed that additional fees, not to exceed the actual cost will be due and payable immediately upon project completion.
5. All applicable fees for a completed project shall be paid prior to certification by the Office.

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129885.

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7-2107. Fee refund.

(a) Upon written request from the applicant, a fee refund may be issued pursuant to this section.

1. The written request must be submitted to the office within:
   a. One year of the date of written certification of compliance with the applicable clinic provisions.
   b. One year of the date the project is withdrawn by the applicant.
   c. The time limits specified in Section 7-134 for building(s) as described in Section 7-2104.
2. No refund shall be issued before written certification is provided, or the project is withdrawn or closed.
3. Refunds shall be exclusive of the $250 filing fee.
4. Refunds shall be calculated pursuant to Section 7-2107(b), (c) or (d).

(b) Fees paid for a project, involving a building(s) as described in Section 7-2100(a)(1), (2) or (3), which exceed the actual cost for performing plan review and inspection services by more than five percent (5%), shall be refunded by the Office.

Exception: Refunds for building(s) described in Section 7-2104 shall be calculated pursuant to the applicable requirements of Section 7-134.

(c) If an applicant withdraws a project that has been submitted to the Office for plan review of a building(s), as described in Section 7-2100(a)(1), (2) or (3), the unexpended balance of fees paid to the Office for actual cost of plan review services provided shall be refunded to the applicant.

Exception: Refunds for building(s) described in Section 7-2104 shall be calculated pursuant to the applicable requirements of Section 7-134.

(d) If an applicant requests a refund of fees for a project that has been submitted to the Office for plan review and building inspection, as described in Section 7-2100(a)(4), a fee may be refunded to the applicant pursuant to the applicable requirements of Section 7-134.

Authority: Health and Safety Code Sections 1226, 18929 and 129675–130070.
Reference: Health and Safety Code Section 129885.

HISTORY NOTE APPENDIX FOR CHAPTER 7

Administrative Regulations for the Office of Statewide Hospital Planning and Development
California Code of Regulations, Title 24, Part 1

HISTORY:

The history notes for prior changes remain within the text of this code.

1. (OSHPD 1/97) Regular order by the Office of Statewide Health and Planning and Development to amend Chapters 6 and 7 as a result of SB 1953. Filed at the secretary of state on March 25, 1998; effective March 25, 1998. Approved by the California Building Standards Commission on March 18, 1998.
2. (OSHPD-EF 1/98) Emergency order by the Office of Statewide Health Planning and Development to adopt administrative regulations specific to Hospital Inspector Citizenship/Alien Certification. Filed at the secretary of state on March 25, 1998; effective March 25, 1998. Approved by the California Building Standards Commission on March 18, 1998.
3. BSC 1997 Triennial Code Adoption Cycle (OSHPD 1/97, OSHPD 2/97, OSHPD 3/97). Approved by the California Building Standards Commission on May 6, 1998. Filed at the secretary of state's office on September 29, 1998, effective October 29, 1998.
4. Erratum to correct printing errors. Correction to Section 7-101 to change the date of the Alfred E. Alquist Act to 1983. Correction of grammatical error in Section 7-111. Publication date February 15, 2001.
5. (OSHPD 9/99) Testing, Inspection, and Observation Program. Various sections in Chapter 7. Approved as submitted by the California Building Standards Commission on May 24, 2000. Filed with the Secretary of State on June 8, 2000, effective July 7, 2000.
6. (OSHPD 10/99) Filing Fee/Personal Knowledge Verified Reports. Amend Sections 7-103, 7-111, 7-113, 7-133, 7-151. Approved as submitted by the California Building Standards Commission on May 24, 2000. Filed with the Secretary of State on June 8, 2000, effective July 7, 2000.
7. (OSHPD 3/99) Class C Hospital Inspector. Amend Sections 7-200, 7-204, 7-206. Approved as submitted by the California Building Standards Commission on May 24, 2000. Filed with the Secretary of State on June 8, 2000, effective July 7, 2000.
8. (OSHPD 01/01) 7-115 Preparation of Plans and Specifications. 7-152 Supplantation of an Architect, Engineer or Inspector of Record, Special Inspector or Contractor. Approved as submitted by the California Building Standards Commission on September 25, 2001. Files with the Secretary of State on November 6, 2001, effective December 6, 2001.
9. October 1, 2002 Errata adding Number 8 above.
10. (OSHPD EF 01/02) Amend Chapter 6 and 7 of Part 1. Approved as emergency by the California Building Standards Commission on January 15, 2003, and filed with the Secretary of State on January 16, 2003. Effective January 16, 2003.
11. (OSHPD 4/02) Chapter 7, amend various sections. Safety Standards for Health Facilities. Article 3, Section 7-125, Final Review of Plans and Specification. Article 3, Section 7-129, Time Limitations for Approval. Article 4, Section 7-135, Time of Beginning Construction. Article 4, Section 7-141, Administration of Construction. Article 4, Section 7-155, Final Approval of the Work. Article 19, Section 7-203, Applying for the Certification Examination. Article 21, Section 7-2100 through 7-2106, Scope of Responsibilities. Approved by the Building Standards Commission on May 14, 2003 and effective June 13, 2003.
12. (OSHPD EF 01/02) Amend Chapters 6 and 7 of Part 1. Approved as permanent emergency by the California Building Standards Commission. Permanent approval on May 14, 2003. Certification of Compliance filed with the Secretary of State on May 15, 2003. Effective January 16, 2003.
13. (OSHPD 01/04) Amend Chapter 6, Article 1 for change in Seismic Performance Category nonconforming building. Amend Chapter 7, Article 3 for plan review, Article 4 for construction inspection, Article 5 for appeals to the Hospital Building Safety Board, Article 6 for contract services, Article 19 for certification of hospital inspectors, and Article 21 for fees for review of specified clinics. Filed with Secretary of State on May 23, 2006, and effective on the 30th day of filing with the Secretary of State.
14. (OSHPD 01/06) Amendments to administrative standards for the review and construction of health facilities: preparation of plans and specifications, Hospital Inspector certification, and plan review and inspection of outpatient clinics. Filed with the Secretary of State on February 15, 2007, and effective 30 days thereafter.
15. (OSHPD EF 01/07) Amend Title 24, Part 1, Chapter 7, Article 1, Article 2, Article 3, Article 20. Approved by the California Building Standards Commission on July 19, 2007. Filed with the Secretary of State on July 20, 2007, effective on January 1, 2008.
16. (OSHPD 01/07) Amend Chapter 7, Safety Standards for Health Facilities. Approved by the California Building Standards Commission on July 17, 2008. Filed with the Secretary of State on July 18, 2008, and effective 30 days thereafter.
17. (OSHPD 04/09) Amend Chapter 7, Safety Standards for Health Facilities. Effective on February 13, 2010.
18. (OSHPD EF 01/10) Amend Chapter 7 with HAZUS updates pursuant to SB 499 (Chapter 601, Statutes of 2009). Effective on February 13, 2010.
19. (OSHPD 01/10) Amend Article 1, Title 24, Chapter 7, Article 7-111, effective on August 28, 2011.
20. (OSHPD 02/12 and OSHPD 03/12) Amend Chapter 7, Safety Standards for Health Facilities. Approved by the California Building Standards Commission on January 23, 2013, filed with the Secretary of State on January 28, 2013, and effective 30 days after filing with Secretary of State.
21. (OSHPD 01/15) Amend Chapter 7, Safety Standards for Health Facilities: Article 2: Section 7-111; Article 3: Section 7-131, 7-133; Article 4: Section 7-141, 7-144, 7-149, 7-153; Article 5: Section 7-159, 7-161, 7-165, 7-167, 7-169, 7-171; Article 5.5: Section

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7-173, 7-175, 7-177, 7-181, Article 19: Section 7-214, 7-215. Approved by the California Building Standards Commission on December 16, 2015, and effective 30 days after filing with Secretary of State.

22. Errata to correct editorial errors within Chapter 7 in this code. Effective January 1, 2017.
23. 2016 Intervening Cycle Supplement (OSHPD 01/16) adopted by the California Building Standards Commission on June 20, 2017, filed with the Secretary of State on August 17, 2017, effective 30 days after filing.
24. 2018 Triennial Code Adoption Cycle (OSHPD 01/18) Amend Chapter 7, Article 1, Section 7-103; Article 2, Section 7-111; Article 3, Sections 7-115 and 7-128; Article 4, Sections 7-141, 7-144, 7-145, 7-149, 7-151, 7-152, 7-153 and 7-155; Article 5, Sections 7-165 and 7-171; Article 19, Sections 7-204, 7-207, 7-208, 7-209 and 7-211; Added to Chapter 7, Article 3, new Section 7-118. Approved by the California Building Standards Commission on December 4, 2018, filed with the Secretary of State on December 7, 2018, and effective 180 days after publication pursuant to *California Health and Safety Code*, Section 18938.
25. Erratum to correct editorial errors in Chapter 7, Section 7-144(a): effective January 1, 2020.
26. 2019 Intervening Cycle Update (OSHPD 01/19) Adoption of amendments to the 2019 California Administrative Code (CAC). Approved by the California Building Standards Commission on July 13, 2020, published on January 1, 2021, effective 30 days after filing with Secretary of State.
27. (OSHPD 03/21) Amend Chapter 7, Article 2, Section 7-111, Article 3, Sections 7-113, 7-121, 7-123, 7-128, 7-129, 7-130, 7-133, Article 4, Sections 7-144, 7-145, 7-153, Article 19, Section 7-201. Approved by the California Building Standards Commission on January 18, 2022, filed with the Secretary of State on February 2, 2022, and effective 30 days after filing with Secretary of State.
28. (OSHPD 01/22) Amend Chapter 7, Article 2, Section 7-111, Article 3, Sections 7-113, 7-115, 7-117, 7-119, 7-125, 7-129, 7-131, 7-133, Article 4, Sections 7-135, 7-144, 7-153, 7-155, Article 19, Sections 7-201, 7-206, 7-211, 7-212, 7-215, and Article 20, Section 7-300. Adopt Chapter 7, Article 19, Section 7-215. Approved by the California Building Standards Commission on June 27, 2023, filed with the Secretary of State on June 30, 2023, and effective 30 days after filing with Secretary of State.
29. (OSHPD 03/24) Amend Chapter 7, Article 1: Sections 7-101, 7-104, 7-109; Article 2: summary and Section 7-111; Article 3: Sections 7-113, 7-115, 7-117, 7-133; Article 4: Sections 7-152, 7-153, 7-155; Article 7: title and summary; Article 8: summary. Approved by the California Building Standards Commission on February 26, 2025, filed with the Secretary of State on February 27, 2025, and effective 30 days after filing with Secretary of State.

CHAPTER

8

ADMINISTRATIVE REGULATIONS FOR THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH (CDPH)

ARTICLE 1—PUBLIC SWIMMING POOLS

8-100. Plans and specifications.

(a) A person proposing to construct, reconstruct or alter a swimming pool or auxiliary structure or equipment shall submit legible plans and specifications to the enforcing agent for review and written approval prior to commencing the work and in advance of the issuance of any building, plumbing or electrical permit.

(b) Plans submitted for approval pursuant to this section shall be drawn to a scale of 1 centimeter equals 0.48 meters ($^1/_4$ inch equals 1 foot), except that plans for spa pools shall be drawn to a scale of 1 centimeter equals 0.12 meters (1 inch equals 1 foot).

(c) The enforcing agent may require the submission of such additional information as may be required to determine the compliance of plans and specifications submitted for approval.

(d) Within 30 days of the receipt of plans and specifications, the enforcing agent shall notify the person submitting the plans and specifications of their approval or disapproval.

Authority: Health and Safety Code Sections 116050 and 131200.

Reference: Health and Safety Code Sections 116035 and 116050.

8-101. Construction.

(a) Swimming pools shall be constructed, reconstructed or altered in compliance with plans approved pursuant to Section 8-100, unless written approval of variance from such plans is obtained from the enforcing agent.

(b) Swimming pools shall conform to the requirements of Chapter 31B, Part 2, Title 24, California Code of Regulations.

Authority: Health and Safety Code Sections 116050 and 131200.

Reference: Health and Safety Code Sections 116035 and 116050.

ARTICLE 2—RETAIL FOOD FACILITIES

8-200. Adoption of the most recent edition of the *California Mechanical Code*. Chapter 5, Part 4, Title 24, California Code of Regulations, shall be the commercial hood and kitchen ventilation standards for retail food facilities as defined in Title 17, California Code of Regulations, Section 12100(a).

Authority: Health and Safety Code Sections 100275 and 113705.

Reference: Health and Safety Code Sections 113715, 114149.1 and 114419.2.

HISTORY:

1. New Article 10.4 (Sections 13670-13671) filed 9-18-80; effective thirtieth day thereafter (Register 80, No. 38).

8-201. Building plan approval.

(a) Building plans for new construction or remodeling of kitchen ventilation systems in retail food establishments shall be submitted for review and approval to either the local health officer or a duly authorized registered environmental health specialist.

(b) Construction or installation shall not begin without prior written approval that the building plan complies with the requirements of Section 8-200.

Authority: Health and Safety Code Sections 100275 and 113705.

Reference: Health and Safety Code Section 114380.

ARTICLE 3—ORGANIZED CAMPS

8-300. Building structures.

(a) Plans and specifications shall be approved by the local enforcing agency prior to start of any construction.

(b) Every building or structure shall be designed and constructed in accordance with the *California Building Code,* Part 2, Title 24, California Code of Regulations and Section 19150 of the Health and Safety Code.

(c) Every building or structure shall be inspected during its construction. Upon completion of construction, the person, firm or corporation responsible for its design, shall certify in writing to the local enforcing agency that the building or structure was, in fact, constructed in accordance with the approved plans and specifications therefor.

(d) Nothing in this section shall prohibit the Department of Health Services or local enforcing agency, from contracting with the Office of the State Architect of the Department of General Services or any private or other governmental agency for the review of design and performance of inspection of construction of camp buildings and structures, in accordance with the provisions of this section.

Authority: Health and Safety Code Sections 208 and 18897.2.

Reference: Health and Safety Code Sections 18897.2 and 18944(a).

HISTORY:

1. Amendment filed 3-5-71; effective thirtieth day thereafter. Approved by State Building Standards Commission 2-26-71 (Register 71, No. 10).

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2. Amendment filed 11-28-80; effective thirtieth day thereafter (Register 80, No. 48).
3. Amendment filed 4-28-86; effective thirtieth day thereafter (Register 86, No. 18).

ARTICLE 4—HOSPITALS

8-400. Alterations to existing buildings or new construction.

(a) Alterations to existing buildings licensed as hospitals or new constructions shall be in conformance with Chapter 4A, Part 2, Title 24, California Code of Regulations.

(b) Hospitals licensed and in operation prior to the effective date of changes in these regulations shall not be required to institute corrective alterations or construction to comply with such changes except where specifically required or where the Department determines that a definite hazard to health and safety exists. Any hospital for which preliminary or working drawings and specifications have been approved by the Department prior to the effective date of changes to these regulations shall not be required to comply with such changes provided substantial, actual construction is commenced within one year after the effective date of such changes.

8-401. Application for architectural plan review.

(a) Drawings and specifications for alterations to existing buildings or new construction shall be submitted to the Department for approval and shall be accompanied by an application for plan review on forms furnished by the Department. The application shall:

1. Identify and describe the work to be covered by the plan review for which the application is made.
2. Describe the land on which the proposed work is to be done, by lot, block, tract or house and street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Show the present and proposed use or occupancy of all parts of the building or buildings.
4. State the number of square meters (feet) of floor area involved in new construction and in alterations.
5. Give such other information as may be required by the Department for unusual design circumstances.
6. Be signed by the person designing the work or the owner of the work.

(b) The application for plan review shall also include a written statement that a description of the proposed work has been submitted to the Area Comprehensive Health Planning Agency approved by the State Advisory Health Council pursuant to Section 437.7 of the Health and Safety Code.

ARTICLE 5—ACUTE PSYCHIATRIC HOSPITALS

8-500. Alterations to existing buildings or new construction.

(a) Alterations to existing buildings licensed as hospitals or new construction shall be in conformance with Chapter 4A, Part 2, Title 24, California Code of Regulations.

(b) Hospitals licensed and in operation prior to the effective date of changes in these regulations shall not be required to institute corrective alterations or construction to comply with such changes except where specifically required or where the Department determines that a definite hazard to health and safety exists. Any hospital for which preliminary or working drawings and specifications have been approved by the Department prior to the effective date of changes to these regulations shall not be required to comply with such changes provided substantial, actual construction is commenced within one year after the effective date of such changes.

8-501. Application for plan review.

(a) Drawings and specifications for alterations to existing buildings or new construction shall be submitted to the Department for approval and shall be accompanied by an application for plan review on forms furnished by the Department. The application shall:

1. Identify and describe the work to be covered by the plan review for which the application is made.
2. Describe the land on which the proposed work is to be done, by lot, block, tract or house and street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Show the present and proposed use or occupancy of all parts of the building or buildings.
4. State the number of square meters (square feet) of floor area involved in new construction and in alterations.
5. Give such other information as may be required by the Department for unusual design circumstances.
6. Be signed by the person designing the work or the owner of the work.

(b) The application for plan review shall also include a written statement that a description of the proposed work has been submitted to the Area Comprehensive Health Planning Agency approved by the State Advisory Health Council pursuant to Section 437.7 of the Health and Safety Code.

ARTICLE 6—SKILLED NURSING

8-600. Alterations to existing buildings or new construction.

(a) Alterations to existing buildings licensed as skilled nursing facilities or new construction shall be in conformance with Chapter 4A, Part 2, Title 24, California Code of Regulations and requirements of the State Fire Marshal.

(b) Facilities licensed and in operation prior to the effective date of changes in construction regulations shall not be required to institute corrective alterations or construction to comply with such new requirements except where specifically required or where the Department determined in writing that a definite hazard to health and safety exists. Any facility for which preliminary or working

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drawings and specifications have been approved by the Department prior to the effective date of changes to construction regulations shall not be required to comply with such new requirements provided substantial actual construction is commenced within one year of the effective date of such new requirements.

(c) All facilities shall maintain in operating condition all buildings, fixtures and spaces in the numbers and types as specified in the construction requirements under which the facility or unit was first licensed.

Authority: Health and Safety Code Sections 208(a) and 1275.

Reference: Health and Safety Code Section 1276.

ARTICLE 7—INTERMEDIATE CARE FACILITIES

8-700. Safety, zoning and building clearance.

(a) Architectural plans shall not be approved and a license shall not be originally issued to any intermediate care facility which does not conform to these requirements or other state requirements on seismic safety, fire and life safety, and environmental impact, and to local fire safety, zoning and building ordinances, evidence of which shall be presented in writing to the Department.

(b) It shall be the responsibility of the licensee to maintain the intermediate care facility in a safe structural condition. If the Department determines in a written report submitted to the licensee that an evaluation of the structural condition of an intermediate care facility building is necessary, the licensee may be required to submit a report by a licensed structural engineer which shall establish a basis for eliminating or correcting the structural conditions which may be hazardous to occupants.

(c) The facility shall meet the seismic safety requirements, if any, prescribed by Section 15001 of the Health and Safety Code.

8-701. Alterations to existing buildings or new construction.

(a) Alterations to existing buildings licensed as intermediate care facilities or new construction shall be in conformance with Chapter 4A, Part 2, Title 24, California Code of Regulations.

(b) Intermediate care facilities licensed and in operation prior to the effective date of changes in construction regulations shall not be required to institute corrective alterations or construction to comply with such new requirements except where specifically required or where the Department determines that a definite hazard to health and safety exists. Any intermediate care facility for which preliminary or working drawings and specifications have been approved by the Department prior to the effective date of changes to construction regulations shall not be required to comply with such new requirements provided substantial actual construction is commenced within one year of the effective date of such new requirements.

(c) All intermediate care facilities shall maintain in operating condition all buildings, fixtures and spaces in the numbers and types as specified in the construction requirements under which the intermediate care facility or unit was first licensed.

8-702. Application for plan review.

(a) Drawings and specifications for alterations to existing buildings or new construction shall be submitted to the Department for approval and shall be accompanied by an application for plan review on forms furnished by the Department. The application shall:

1. Identify and describe the work to be covered by the plan review for which the application is made.
2. Describe the land on which the proposed work is to be done, by lot, block, tract or house and street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Show the present and proposed use or occupancy of all parts of the building or buildings.
4. State the number of square meters (square feet) of floor area involved in new construction and in alterations.
5. Give such other information as may be required by the Department for unusual design circumstances.
6. Be signed by the person designing the work or the owner of the work.

(b) The application for plan review shall also include a written statement that a description of the proposed work has been submitted to the Area Comprehensive Health Planning Agency approved by the State Advisory Health Council pursuant to Section 437.7 of the Health and Safety Code.

ARTICLE 8—INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

8-800. Alterations to existing buildings or new construction.

(a) Alterations to existing buildings licensed as intermediate care facilities for the developmentally disabled or new construction shall be in conformance with Chapter 4A, Part 2, Title 24, California Code of Regulations.

(b) Facilities licensed or exempt from licensure and in operation prior to the effective date of changes in construction regulations shall not be required to institute corrective alterations or construction to comply with such new requirements except where specifically required or where the Department determines in writing that a definite hazard to health and safety exists. Any facility for which preliminary or working drawings and specifications have been approved by the Department prior to the effective date of changes to construction regulations shall not be required to comply with such new requirements provided substantial actual construction is commenced within one year of the effective date of such new requirements.

(c) All facilities shall maintain in operating condition all buildings, fixtures and spaces in the numbers and types as specified in the construction requirements under which the facility or unit was first licensed.

Authority: Health and Safety Code Section 208(a).

Reference: Health and Safety Code Sections 1276 and 15007.

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8-801. Application for plan review. Drawings and specifications for alterations to existing buildings or new construction shall be submitted to the Department for approval and shall be accompanied by an application for plan review on forms furnished by the Department. The application shall meet the requirements of California Code of Regulations, Title 22, Division 7, Chapter 6, Article 1, Sections 93001 through 93019.

Authority: Health and Safety Code Section 208(a).

Reference: Health and Safety Code Sections 1276 and 15007.

HISTORY NOTE APPENDIX FOR CHAPTER 8

Administrative Regulations for the California Department of Public Health (CDPH)
California Code of Regulations, Title 24, Part 1

HISTORY:

The history notes for prior changes remain within the text of this code.

1. (CDPH 01/14) 2013 Intervening Cycle Supplement. Change without Regulatory Effect, Article 1, Swimming Pools and Article 2, Retail Food Facilities. Approved by the California Building Standards Commission on October 21, 2014, filed with Secretary of State on October 27, 2014, effective November 27, 2014.
2. Erratum to correct Chapter 8 History Note format: effective January 1, 2020.

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CHAPTER

9

ADMINISTRATIVE REGULATIONS FOR THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD (OSHA)

(RESERVED)

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CHAPTER
10

ADMINISTRATIVE REGULATIONS FOR THE CALIFORNIA ENERGY COMMISSION (CEC)

ARTICLE 1—ENERGY BUILDING REGULATIONS

10-101. Scope.

(a) This article contains administrative regulations relating to the energy building regulations in Title 24, Part 6. This article applies to all residential and nonresidential buildings.

(b) Nothing in this article lessens any necessary qualifications or responsibilities of licensed or registered building professionals or other designers or builders, or the duties of enforcement agencies, that exist under state or local law.

(c) If any provision of the regulations in this article or the Building Energy Efficiency Standards, Title 24, Part 6, of the California Code of Regulations is found invalid by a court of competent jurisdiction, the remainder of these regulations shall remain in effect.

Authority: Sections 25402 and 25402.1, Public Resources Code.

Reference: Sections 25402 and 25402.1, Public Resources Code.

HISTORY:

1. New Article 1 (Section 1401) filed 5-3-76; effective thirtieth day thereafter (Register 76, No. 19).
2. Amendment filed 8-17-77; designated effective 3-11-78 (Register 77, No. 34).
3. Repealer of Article 1 (Section 1401) and new Article 1 (Sections 1401-1408, not consecutive) filed 12-9-81; designated effective 7-1-82 (Register 81, No. 50).
4. Amendment filed 12-27-84; designated effective 1-1-85 pursuant to Government Code Section 11346.2 (d) (Register 84, No. 52).

10-102. Definitions. In this article the following definitions apply:

ACCEPTANCE REQUIREMENTS are "acceptance requirements for code compliance" as defined in Section 100.1(b) of Part 6.

ACCEPTANCE TEST TECHNICIAN (ATT) is a Field Technician as defined in Section 10-102 who is certified by an authorized Acceptance Test Technician Certification Provider to perform acceptance testing of either lighting controls or mechanical systems pursuant to the requirements of Sections 10-103.1 or 10-103.2, respectively. ATTs are authorized to perform only those acceptance tests for which they are certified by an ATTCP; ATTs certified to perform acceptance testing of lighting controls are sometimes referred to as "lighting control ATTs," and ATTs certified to perform acceptance testing of mechanical systems are sometimes referred to as "mechanical ATTs." (See "Field Technician" and "Acceptance Test Technician Certification Provider.")

ACCEPTANCE TEST EMPLOYER (ATE) is a person or entity who employs an Acceptance Test Technician and is certified by an authorized Acceptance Test Technician Certification Provider pursuant to the requirements of Sections 10-103.1 or 10-103.2. ATEs are authorized to employ only those ATTs for which they are certified by an ATTCP; ATEs certified to employ ATTs that perform acceptance testing of lighting controls are sometimes referred to as "lighting control ATEs," and ATEs certified to employ ATTs that perform acceptance testing of mechanical systems are sometimes referred to as "mechanical ATEs." (See "Acceptance Test Technician" and "Acceptance Test Technician Certification Provider.")

ACCEPTANCE TEST TECHNICIAN CERTIFICATION PROVIDER (ATTCP) is an agency, organization or entity approved by the Energy Commission to train, certify and oversee ATTs and ATEs relating to either lighting controls or mechanical systems according to the requirements of Sections 10-103.1 or 10-103.2, respectively. ATTCPs are authorized to certify only those ATTs and ATEs for which they are approved by the Energy Commission; ATTCPs approved to certify ATTs and ATEs relating to the acceptance testing of lighting controls are sometimes referred to as "lighting control ATTCPs," and ATTCPs approved to certify ATTs and ATEs relating to the acceptance testing of mechanical systems are sometimes referred to as "mechanical ATTCPs." (See "Acceptance Test Technician" and "Acceptance Test Employer.")

NOTE: Authority cited: Sections 25402, 25402.1 and 25213, Public Resources Code. Reference: Sections 25007, 25402(a)-(b), 25402.1, 25402.4, 25402.5, 25402.8 and 25910, Public Resources Code.

ACM means **ALTERNATIVE CALCULATION METHOD** and are compliance software, or alternative component packages, or exceptional methods approved by the Commission under Sections 10-109 and 10-116. ACMs are also referred to as Compliance Software.

ACM REFERENCE MANUAL is the document establishing the procedures required to implement Sections 140.1 and 150.1 of Title 24, Part 6 of the California Code of Regulations in Compliance Software.

ADDITIONALITY is a property of solar offsets whereby the offset causes additional benefits beyond what would occur as a result of all other actions, and which would exclusively benefit the building or property for which the offset substitutes for compliance obligations that would otherwise be required for that building or property, and those benefits would not ever be transferred to other buildings or property.

ALTERNATIVE COMPONENT PACKAGE is a set of building measures whose aggregate calculated energy use is less than or equal to the maximum allowed Energy Budget.

APPLIANCE EFFICIENCY REGULATIONS are the regulations in Title 20, Section 1601 et seq. of the California Code of Regulations.

APPROVED CALCULATION METHOD is compliance software, or alternative component packages, or exceptional methods approved under Section 10-109.

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BUILDING ENERGY EFFICIENCY STANDARDS are those regulations contained in Title 24, Part 6 of the California Code of Regulations, also referenced as the *Energy Code*.

BUILDING PERMIT is an electrical, plumbing, mechanical, building or other permit or approval, that is issued by an enforcement agency, and that authorizes any construction that is subject to Part 6.

CALIFORNIA ENERGY COMMISSION is the California State Energy Resources Conservation and Development Commission.

COMMISSION is the State Energy Resources Conservation and Development Commission.

COMPLEX MECHANICAL SYSTEM is defined here for the purposes of complying with the Design Phase Review component of Section 10-103(a)1. Complex Mechanical Systems are systems that include 1) fan systems each serving multiple thermostatically controlled zones, or 2) built-up air handler systems (non-unitary or nonpackaged HVAC equipment), or 3) hydronic or steam heating systems, or 4) hydronic cooling systems. Complex systems are NOT the following: unitary or packaged equipment listed in Tables 112-A, 112-B, 112-C and 112-E that each serve one zone, or two-pipe, heating only systems serving one or more zones.

COMPLIANCE APPROACH is any one of the allowable methods by which the design and construction of a building may be demonstrated to be in compliance with Part 6. The compliance approaches are the performance compliance approach and the prescriptive compliance approach. The requirements for each compliance approach are set forth in Section 100.0(e)2 of Part 6.

COMPLIANCE DATA EXCHANGE FILE is an Extensible Markup Language (XML) file that contains compliance data used to populate a compliance document. The Compliance Data Exchange File is part of the Compliance Registration Package.

COMPLIANCE DOCUMENT is any of the documents specified in Section 10-103(a) utilized to demonstrate compliance with Part 6 (i.e., Certificate of Compliance, Certificate of Installation, Certificate of Acceptance and Certificate of Verification).

COMPLIANCE REGISTRATION PACKAGE means digitally signed or encrypted digital data that is transmitted to or from a data registry that contains the data required for registering a compliance document with a data registry, including the compliance data exchange file. A commonly used method is the Zip file format, a data compression and archiving specification that is in the public domain. Files transmitted to or from a data registry using the Zip file format shall be password protected as described in JA7.6.3.2.7.

COMPLIANCE SOFTWARE is software that has been approved pursuant to Section 10-109 of Part 1.

CONDITIONED FLOOR AREA is the "conditioned floor area" as defined in Section 100.1(b) of Part 6.

CRRC-1 is the Cool Roof Rating Council document entitled "Product Rating Program."

DATA REGISTRY is a web service with a user interface and database maintained by a Registration Provider that complies with the applicable requirements in Reference Joint Appendix JA7, with guidance from the Data Registry Requirements Manual, and provides for registration of residential or nonresidential compliance documentation used for demonstrating compliance with Part 6.

RESIDENTIAL DATA REGISTRY is a data registry that is maintained by an ECC-Provider that provides for registration, when required by Part 6 of all residential compliance documentation and the nonresidential Certificate of Verification, and complies with the data maintenance requirements of Section 10-103.3.

NONRESIDENTIAL DATA REGISTRY is a data registry that is maintained by a Registration Provider approved by the Commission that provides for registration, when required by Part 6 of all nonresidential compliance documentation, excluding all Certificates of Acceptance recorded by an acceptance test technician certification provider (Sections 10-103.1 and 10-103.2). However, nonresidential data registries may not provide for registration of nonresidential Certificates of Verification.

DATA REGISTRY REQUIREMENTS MANUAL is a document that provides additional detailed guidance regarding the functional and technical aspects of the data registry requirements given in Joint Appendix JA7.

DOCUMENTATION AUTHOR is a person who prepares a Title 24 Part 6 compliance document that must subsequently be reviewed and signed by a responsible person in order to certify compliance with Part 6.

ENERGY BUDGET is the maximum energy consumption that a proposed building, or portion of a building, can be designed to consume, calculated using Commission-approved compliance software as specified in Section 10-109 of the *Energy Code* and the Alternative Calculation Method Reference Manual. The energy budget for the newly constructed buildings is expressed in terms of the long-term system cost (LSC) and source energy. The energy budget for additions and alterations is expressed in terms of LSC.

ENERGY CODE COMPLIANCE (ECC) PROGRAM is the program for field verification and diagnostic testing for residential construction as set forth in Section 10-103.3 to verify the newly constructed buildings and additions and alterations to existing buildings comply with the requirements of the *Energy Code*.

ECC-PROVIDER is an organization approved by the Commission to administer the ECC program pursuant to the requirements of Section 10-103.3.

ECC-RATER is a person trained, tested, and certified by an ECC-Provider to perform field verification and diagnostic testing for the ECC program pursuant to the requirements of Section 10-103.3.

ECC-RATER COMPANY is an organization certified by an ECC-Provider to offer field verification and diagnostic testing services by the ECC-Rater Company's ECC-Raters for the ECC program pursuant to the requirements of Section 10-103.3.

EXEMPLARY ECC-RATER is an ECC-Rater that has achieved the status of "Exemplary" as set forth in Section 10-103.3(d)5B.

ENERGY COMMISSION is the California State Energy Resources Conservation and Development Commission.

ENFORCEMENT AGENCY is the city, county or state agency responsible for issuing a building permit.

EXCEPTIONAL METHOD is a method for estimating the energy performance of building features that cannot be adequately modeled using existing Compliance Software and that is approved by the Executive Director.

EXECUTIVE DIRECTOR is the Executive Director of the Commission.

FIELD TECHNICIAN is a person who performs acceptance tests in accordance with the specifications in Reference Nonresidential Appendix NA7, and reports the results of the acceptance tests on the Certificate of Acceptance in accordance with the requirements of Section 10-103(a)4.

HVAC SYSTEM is the "HVAC system" as defined in Section 100.1(b) of Part 6.

LONG-TERM SYSTEM COST (LSC) is the CEC-projected present value of costs to California's energy systems over a period of 30 years. LSC does not represent a prediction of individual utility bills.

MANUFACTURED DEVICE is the "manufactured device" as defined in Section 100.1(b) of Part 6.

NFRC 100 is the National Fenestration Rating Council document entitled "NFRC 100: Procedure for Determining Fenestration Product *U*-factors" (2017). NFRC 100 includes procedures for the Component Modeling Approach (CMA) and site built fenestration formerly included in a separate document, NFRC 100-SB.

NFRC 200 is the National Fenestration Rating Council document entitled "NFRC 200: Procedure for Determining Fenestration Product Solar Heat Gain Coefficients and Visible Transmittance at Normal Incidence" (2017).

NFRC 202 is the National Fenestration Rating Council document entitled "NFRC 202: Procedures for Determining Translucent Fenestration Product Visible Transmittance at Normal Incidence" (2017).

NFRC 203 is the National Fenestration Rating Council document entitled "NFRC 203: Procedure for Determining Visible Transmittance of Tubular Daylighting Devices" (2017).

NFRC 400 is the National Fenestration Rating Council document entitled "NFRC 400: Procedure for Determining Fenestration Product Air Leakage" (2017).

PART 6 is Title 24, Part 6 of the California Code of Regulations.

PUBLIC ADVISER is the Public Adviser of the Commission.

***R*-VALUE** is the measure of the thermal resistance of insulation or any material or building component expressed in ft^2 -hr-°F/Btu.

RECORD DRAWINGS are drawings that document the as-installed location and performance data on all lighting and space conditioning system components, devices, appliances and equipment, including but not limited to wiring sequences, control sequences, duct and pipe distribution system layout and sizes, space conditioning system terminal device layout and air flow rates, hydronic system and flow rates, and connections for the space conditioning system. Record drawings are sometimes referred to as "as built" drawings.

REFERENCE APPENDICES is the support document for the Building Energy Efficiency Standards. The document consists of three sections: the Reference Joint Appendices (JA), the Reference Residential Appendices (RA) and the Reference Nonresidential Appendices (NA) currently adopted by the Energy Commission.

REFERENCE JOINT APPENDICES are the Reference Joint Appendices currently adopted by the Energy Commission.

REFERENCE NONRESIDENTIAL APPENDICES are the Reference Nonresidential Appendices currently adopted by the Energy Commission.

REFERENCE RESIDENTIAL APPENDICES are the Reference Residential Appendices currently adopted by the Energy Commission.

REGISTERED COMPLIANCE DOCUMENT is a compliance document that has been submitted to a residential or nonresidential data registry for retention, been verified as valid with an XML schema approved by the Commission, and gone through the registration process so that the registered document displays all applicable electronic signatures as well as the Registration Provider's digital certificate and the document's unique registration number. The image of the registered document is accessible for printing or viewing by authorized users of the data registry. The registered document's unique visible registration number is appended onto the document image by the data registry.

REGISTRATION PROVIDER is an organization that administers a data registry service that conforms to the requirements in Reference Joint Appendix JA7.

SOURCE ENERGY is defined as the long run marginal source energy of fossil fuels that are combusted as a result of building energy consumption considering the long-term effects of Commission-projected energy resource procurement. For a given hour, the value in that hour for each forecasted year is averaged to establish a lifetime average source energy.

STANDARD DESIGN BUILDING is a "Standard Design Building" as defined in Section 100.1(b) of Part 6.

TRIENNIAL CODE CYCLE is the three-year period for which a particular cycle of California's building codes is effective, as used and defined by State Building Standards Law and the California Building Standards Commission pursuant to Health and Safety Code Section 18901 et seq.

Authority: Sections 25402, 25402.1 and 25213, Public Resources Code.

Reference: Sections 25007, 25008, 25218.5, 25310, 25402, 25402.1, 25402.4, 25402.5, 25402.8 and 25943, Public Resources Code.

HISTORY:

1. Amendment filed 12-27-84; designated effective 1-1-85 pursuant to Government Code Section 11346.2 (d) (Register 84, No. 52).
2. Amendment filed 12-4-86; effective thirtieth day thereafter (Register 87, No. 1).

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3. (CEC 1/92) Regular order by the California Energy Commission to amend Section 10-102, Part 1, Title 24, California Code of Regulations. Filed with the secretary of state June 12, 1992; publication date July 15, 1992; effective 30 days thereafter. Approved as a regular order by the California Building Standards Commission on June 8, 1992.
4. (CEC 1/94) Regular order by the California Energy Commission to amend Section 10-102, Part 6, Title 24, California Code of Regulations. Filed with the secretary of state May 24, 1995; effective 30 days thereafter. Approved as a regular order by the California Building Standards Commission on May 23, 1995.

10-103. Permit, certificate, informational and enforcement requirements for designers, installers, builders, manufacturers and suppliers.

(a) **Documentation.** For all buildings other than healthcare facilities, the following documentation is required to demonstrate compliance with Part 6.This documentation shall meet the requirements of Section 10-103(a) or alternatives approved by the Executive Director. Healthcare facilities shall instead comply with the applicable provisions of Chapter 7.

1. **Certificate of Compliance.** For all buildings, the Certificate of Compliance described in Section 10-103 shall be signed by the person who is eligible under Division 3 of the *Business and Professions Code* to accept responsibility for the building design (*responsible person*); and submitted in accordance with Sections 10-103(a)1 and 10-103(a)2 to certify conformance with Part 6. If more than one person has responsibility for the building design, each person shall sign the Certificate of Compliance document(s) applicable to that portion of the design for which the person is responsible. Alternatively, the person with chief responsibility for the building design shall prepare and sign the Certificate of Compliance document(s) for the entire building design. Subject to the requirements of Sections 10-103(a)1 and 10-103(a)2, persons who prepare Certificate of Compliance documents (*documentation authors*) shall sign a declaration statement on the documents they prepare to certify the information provided on the documentation is accurate and complete. In accordance with applicable requirements of 10-103(a)1, the signatures provided by *responsible persons* and *documentation authors* shall be original signatures on paper documents or electronic signatures on electronic documents conforming to the electronic signature specifications in Reference Joint Appendix JA7.

   For all nonresidential buildings, the Design Review Kickoff Certificate(s) of Compliance and the Construction Document Design Review Checklist Certificate(s) of Compliance shall be reviewed and signed by a licensed professional engineer or licensed architect, or a licensed contractor representing services performed by or under the direct supervision of a licensed engineer or architect, as specified in the provisions of Division 3 of the *Business and Professions Code*. For buildings less than 10,000 square feet, this signer may be the engineer or architect of record. For buildings greater than 10,000 square feet but less than 50,000 square feet, this signer shall be a qualified in-house engineer or architect with no other project involvement or a third-party engineer, architect or contractor. For buildings greater than 50,000 square feet and all buildings with complex mechanical systems serving more than 10,000 square feet, this signer shall be a third-party engineer, architect or contractor.

   A. All Certificate of Compliance documentation shall conform to a format and informational order and content approved by the Energy Commission.

      These documents shall:

      i. Identify the energy features, performance specifications, materials, components and manufactured devices required for compliance with Part 6.

      ii. Identify the building project name and location. The building project name and location identification on the Certificate of Compliance shall be consistent with the building project name and location identification given on the other applicable building design plans and specifications submitted to the enforcement agency for approval with the building permit application.

      iii. Display the unique registration number assigned by the data registry if Section 10-103(a)1 requires the document to be registered.

      iv. Include a declaration statement to the effect that the building energy features, performance specifications, materials, components and manufactured devices for the building design identified on the Certificate of Compliance indicate the building is in compliance with the requirements of Title 24, Parts 1 and 6, and the building design features identified on the Certificate of Compliance are consistent with the building design features identified on the other applicable compliance documents, worksheets, calculations, plans and specifications submitted to the enforcement agency for approval with the building permit application.

      v. Be signed by the *documentation author* to certify the documentation is accurate and complete. When document registration is required by Section 10-103(a)1, the signature shall be an electronic signature on an electronic document in accordance with the electronic signature specifications in Reference Joint Appendix JA7.

      vi. Be signed by the *responsible person* eligible under Division 3 of the *Business and Professions Code* to accept responsibility for the design to certify conformance with Part 6. When document registration is required by Section 10-103(a)1, the signature shall be an electronic signature on an electronic document in accordance with the electronic signature specifications in Reference Joint Appendix JA7.

   B. For all low-rise residential buildings for which compliance requires field verification, the person(s) responsible for the Certificate(s) of Compliance shall submit the Certificate(s) and their associated Compliance Registration Packages for registration and retention to an ECC-Provider data registry in compliance with Section 10-103.3. The submittals to the ECC-Provider data registry shall be made electronically in accordance with the specifications in Reference Joint Appendix JA7.

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Contingent upon availability and approval of an electronic document repository by the Executive Director, Certificate of Compliance documents and their associated Compliance Registration Packages that are registered and retained by an ECC-Provider data registry shall also be automatically transmitted by the data registry in compliance with Section 10-103.3, to an electronic document repository for retention in accordance with the specifications in Reference Joint Appendix JA7.

C. For alterations to existing residential buildings for which field verification is not required, including but not limited to water heater and window replacements, and for additions to existing residential buildings that are less than 300 square feet for which field verification is not required, the enforcement agencies may at their discretion not require any Certificate of Compliance documentation, or may develop simplified Certificate of Compliance documentation for demonstrating compliance with the Standards.

Allowances by enforcement agencies to not require compliance documentation shall not be deemed to grant authorization for any work to be done in any manner in violation of this code or other provisions of law.

D. Contingent upon approval of data registry(s) by the Commission, all nonresidential buildings, high-rise residential buildings, and hotels and motels, when designated to allow use of an occupancy group or type regulated by Part 6 the person(s) responsible for the Certificate(s) of Compliance shall submit the Certificate(s) and their associated Compliance Registration Packages for registration and retention to a data registry approved by the Commission. The submittals to the approved data registry shall be made electronically in accordance with the specifications in Reference Joint Appendix JA7.

Contingent upon availability and approval of an electronic document repository by the Executive Director, Certificate of Compliance documents and their associated Compliance Registration Packages that are registered and retained by an approved data registry shall also be automatically transmitted by the data registry to an electronic document repository for retention in accordance with the specifications in Reference Joint Appendix JA7.

2. **Application for a building permit.** Each application for a building permit subject to Part 6 shall contain at least one copy of the documents specified in Sections 10-103(a)2A, 10-103(a)2B and 10-103(a)2C.

A. For all newly constructed buildings, additions, alterations or repairs regulated by Part 6 the applicant shall submit the applicable Certificate(s) of Compliance to the enforcement agency for approval. The certificate(s) shall conform to the requirements of Section 10-103(a)1, and shall be approved by the local enforcement agency, in accordance with all applicable requirements of Section 10-103(d), by stamp or authorized signature prior to issuance of a building permit. A copy of the Certificate(s) of Compliance shall be included with the documentation the builder provides to the building owner at occupancy as specified in Section 10-103(b).

For alterations to existing residential buildings for which field verification is required, and when the enforcement agency does not require building design plans to be submitted with the application for a building permit, the applicable Certificate of Compliance documentation specified in Section 10-103(a)1 is not required to be approved by the enforcement agency prior to issuance of a building permit, but shall be approved by the enforcement agency prior to final inspection of the dwelling unit, and shall be made available to the enforcement agency for all applicable inspections, or made available for viewing on an approved data registry.

When the enforcement agency requires building design plans to be submitted with the application for a building permit, the applicable Certificate of Compliance documents shall be incorporated into the building design plans. When Section 10-103(a)1 requires document registration, the certificate(s) that are incorporated into the building design plans shall be copies of the registered Certificate of Compliance documents from an ECC-Provider data registry, or a data registry approved by the Commission.

B. When the enforcement agency requires building design plans and specifications to be submitted with the application for a building permit, the plans shall conform to the specifications for the features, materials, components and manufactured devices identified on the Certificate(s) of Compliance, and shall conform to all other applicable requirements of Part 6. Plans and specifications shall be submitted to the enforcement agency for any other feature, material, component or manufactured device that Part 6 requires be indicated on the building design plans and specifications. Plans and specifications submitted with each application for a building permit for nonresidential buildings, high-rise residential buildings and hotels and motels shall provide acceptance requirements for code compliance of each feature, material, component or manufactured device when acceptance requirements are required under Part 6. Plans and specifications for nonresidential buildings, high-rise residential buildings and hotels and motels shall require, and indicate with a prominent note on the plans, that within 90 days after the Enforcement Agency issues a permanent final occupancy permit, record drawings be provided to the building owner.

For all buildings, if the specification for a building design feature, material, component or manufactured device is changed before final construction or installation, such that the building may no longer comply with Part 6 the building must be brought back into compliance, and so indicated on amended plans, specifications, and Certificate(s) of Compliance that shall be submitted to the enforcement agency for approval. Such characteristics shall include the efficiency (or other characteristic regulated by Part 6) of each building design feature, material, component or device.

C. The enforcement agency shall have the authority to require submittal of any supportive documentation that was used to generate the Certificate(s) of Compliance, including but not limited to the electronic input file for the compliance software tool that was used to generate performance method Certificate(s) of Compliance; or any other

supportive documentation that is necessary to demonstrate that the building design conforms to the requirements of Part 6.

3. **Certificate of Installation.** For all buildings, the person in charge of the construction or installation, who is eligible under Division 3 of the *Business and Professions Code* to accept responsibility for the construction or installation of features, materials, components or manufactured devices regulated by Part 6 or the Appliance Efficiency Regulations (*responsible person*) shall sign and submit Certificate of Installation documentation as specified in Section 10-103(a)3 to certify conformance with Part 6. If more than one person has responsibility for the construction or installation, each person shall sign and submit the Certificate of Installation documentation applicable to the portion of the construction or installation for which they are responsible; alternatively, the person with chief responsibility for the construction or installation shall sign and submit the Certificate of Installation documentation for the entire construction or installation scope of work for the project. Subject to the requirements of Section 10-103(a)3, persons who prepare Certificate of Installation documentation (*documentation authors*) shall sign a declaration statement on the documents they prepare to certify the information provided on the documentation is accurate and complete. In accordance with applicable requirements of 10-103(a)3, the signatures provided by *responsible persons* and *documentation authors* shall be original signatures on paper documents or electronic signatures on electronic documents conforming to the electronic signature specifications in Reference Joint Appendix JA7.

   A. **Delegation of Signature Authority.** Except where prohibited by law, including but not limited to any requirements under Division 3 of the *Business and Professions Code*, the *Responsible Person* may delegate signature authority to third parties (*Authorized Representatives*) provided that there is a written agreement:

      i. Between the *Responsible Person* and the person to be designated as the *Authorized Representative*.

      ii. Specifying that the *Authorized Representative* may sign Certificates of Installation on behalf of the *Responsible Person*.

      iii. Specifying that the legal responsibility for construction or installation in the applicable classification for the scope of work specified on the Certificate of Installation document(s) remains with the *Responsible Person.*

      iv. That is signed by both the *Responsible Person* and the *Authorized Representative*.

      v. That is retained by the ECC-Provider to which all compliance documents are submitted for the building to which the Certificate of Installation documentation pertains.

      vi. That is maintained in the ECC-Provider data registry such that it is accessible for verification by, including but not limited to, the Energy Commission and enforcement agencies.

   B. **Format.** All Certificate of Installation documentation shall conform to a format and informational order and content approved by the Energy Commission.

      These documents shall:

      i. Identify the features, materials, components, manufactured devices and system performance diagnostic results required to demonstrate compliance with Part 6 and the Appliance Efficiency Regulations.

      ii. State the number of the building permit under which the construction or installation was performed.

      iii. Display the unique registration number assigned by the data registry if Section 10-103(a)3 requires the document to be registered.

      iv. Include a declaration statement indicating that the constructed or installed features, materials, components or manufactured devices (the installation) identified on the Certificate of Installation conform to all applicable codes and regulations, and the installation conforms to the requirements given on the plans and specifications approved by the enforcement agency.

      v. Be signed by the documentation author to certify the documentation is accurate and complete. When document registration is required by Section 10-103(a)3, the signature shall be an electronic signature on an electronic document in accordance with the electronic signature specifications in Reference Joint Appendix JA7.

      vi. Be signed by the *Responsible Person* eligible under Division 3 of the *Business and Professions Code* to accept responsibility for construction or installation in the applicable classification for the scope of work specified on the Certificate of Installation document(s), or shall be signed by their *Authorized Representative*. When document registration is required by Section 10-103(a)3, the signature shall be an electronic signature on an electronic document in accordance with the electronic signature specifications in Reference Joint Appendix JA7.

   C. For all low-rise residential buildings, the person(s) responsible for the Certificate(s) of Installation, or their *Authorized Representative(s),* shall submit the following Certificate of Installation documentation and their associated Compliance Registration Packages that are applicable to the building to an ECC-Provider data registry for registration and retention in accordance with Section 10-103.3 and procedures specified in Reference Residential Appendix RA2:

      i. All Certificates of Installation for which compliance requires field verification.

      ii. All other Certificates of Installation, except those not required by the Energy Commission.

      The submittals to the ECC-Provider data registry shall be made electronically in accordance with the specifications in Reference Joint Appendix JA7.

Contingent upon availability and approval of an electronic document repository by the Executive Director, Certificate of Installation documents and their associated Compliance Registration Packages that are registered and retained by an ECC-Provider data registry in compliance with Section 10-103.3 shall also be automatically transmitted by the data registry to an electronic document repository for retention in accordance with the specifications in Reference Joint Appendix JA7.

D. For alterations to existing residential buildings for which field verification is not required, including but not limited to water heater and window replacements, and for additions to existing residential buildings that are less than 300 square feet for which field verification is not required, the enforcement agencies may at their discretion not require any Certificate of Installation documentation, or may develop simplified Certificate of Installation documentation for demonstrating compliance with the Standards.

Allowances by enforcement agencies to not require compliance documentation shall not be deemed to grant authorization for any work to be done in any manner in violation of this code or other provisions of law.

E. Contingent upon approval of data registry(s) by the Commission, all nonresidential buildings, high-rise residential buildings, and hotels and motels, when designated to allow use of an occupancy group or type regulated by Part 6 the person(s) responsible for the Certificate(s) of Installation, except those documents not required by the Energy Commission, shall submit the Certificate(s) and their associated Compliance Registration Packages for registration and retention to a data registry approved by the Commission. The submittals to the approved data registry shall be made electronically in accordance with the specifications in Reference Joint Appendix JA7.

Contingent upon availability and approval of an electronic document repository by the Executive Director, Certificate of Installation documents and their associated Compliance Registration Packages that are registered and retained by an approved data registry shall also be automatically transmitted by the data registry to an electronic document repository for retention in accordance with the specifications in Reference Joint Appendix JA7.

F. **Availability.** For all buildings, a copy of the Certificate(s) of Installation shall be posted, or made available with the building permit(s) issued for the building, or made available for viewing on an approved data registry, and shall be made available to the enforcement agency for all applicable inspections. When document registration is required by Section 10-103(a)3, registered copies of the Certificate(s) of Installation from an ECC-Provider data registry or a data registry approved by the Commission shall be posted or made available with the building permit(s) issued for the building, and shall be made available to the enforcement agency for all applicable inspections. If construction on any portion of the building subject to Part 6 will be impossible to inspect because of subsequent construction, the enforcement agency may require the Certificate(s) of Installation to be posted upon completion of that portion. A copy of the Certificate(s) of Installation shall be included with the documentation the builder provides to the building owner at occupancy as specified in Section 10-103(b).

4. **Certificate of Acceptance.** For all nonresidential buildings, high-rise residential buildings and hotels and motels, when designated to allow use of an occupancy group or type regulated by Part 6 the person in charge of the acceptance testing, who is eligible under Division 3 of the *Business and Professions Code* to accept responsibility for the applicable scope of system design, or construction, or installation of features, materials, components or manufactured devices regulated by Part 6 or the Appliance Efficiency Regulations (*responsible person*), shall sign and submit all applicable Certificate of Acceptance documentation in accordance with Section 10-103(a)4 and Reference Nonresidential Appendix NA7 to certify conformance with Part 6. If more than one person has responsibility for the acceptance testing, each person shall sign and submit the Certificate of Acceptance documentation applicable to the portion of the construction or installation for which they are responsible; alternatively, the person with chief responsibility for the system design, construction or installation shall sign and submit the Certificate of Acceptance documentation for the entire construction or installation scope of work for the project. Subject to the requirements of Section 10-103(a)4, persons who prepare Certificate of Acceptance documentation (*documentation authors*) shall sign a declaration statement on the documents they prepare to certify the information provided on the documentation is accurate and complete. Persons who perform acceptance test procedures in accordance with the specifications in Reference Nonresidential Appendix NA7, and report the results of the acceptance tests on the Certificate of Acceptance (*field technicians*) shall sign a declaration statement on the documents they submit to certify the information provided on the documentation is true and correct. In accordance with applicable requirements of Section 10-103(a)4, the signatures provided by *responsible persons, field technicians* and *documentation authors* shall be original signatures on paper documents or electronic signatures on electronic documents conforming to the electronic signature specifications in Reference Joint Appendix JA7.

A. All Certificate of Acceptance documentation shall conform to a format and informational order and content approved by the Energy Commission.

These documents shall:

i. Identify the features, materials, components, manufactured devices and system performance diagnostic results required to demonstrate compliance with the acceptance requirements to which the applicant must conform as indicated in the plans and specifications submitted under Section 10-103(a)2, and as specified in Reference Nonresidential Appendix NA7.

ii. State the number of the building permit under which the construction or installation was performed.

iii. Display the unique registration number assigned by the data registry if Section 10-103(a)4 requires the document to be registered.

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iv. Include a declaration statement indicating that the features, materials, components or manufactured devices identified on the Certificate of Acceptance conform to the applicable acceptance requirements as indicated in the plans and specifications submitted under Section 10-103(a), and with applicable acceptance requirements and procedures specified in the Reference Nonresidential Appendix NA7, and confirms that Certificate(s) of Installation described in Section 10-103(a)3 has been completed and is posted or made available with the building permit(s) issued for the building, or made available for viewing on an approved data registry.

v. Be signed by the *documentation author* to certify the documentation is accurate and complete. When document registration is required by Section 10-103(a)4, the signature shall be an electronic signature on an electronic document in accordance with the electronic signature specifications in Reference Joint Appendix JA7.

vi. Be signed by the *field technician* who performed the acceptance test procedures and reported the results on the Certificate of Acceptance. When document registration is required by Section 10-103(a)4, the signature shall be an electronic signature on an electronic document in accordance with the electronic signature specifications in Reference Joint Appendix JA7.

vii. Be signed by the *responsible person* in charge of the acceptance testing who is eligible under Division 3 of the *Business and Professions Code* to accept responsibility for the system design, construction or installation in the applicable classification for the scope of work identified on the Certificate of Acceptance, or shall be signed by their authorized representative. When document registration is required by Section 10-103(a)4, the signature shall be an electronic signature on an electronic document in accordance with the electronic signature specifications in Reference Joint Appendix JA7.

B. Contingent upon approval of data registry(s) by the Commission, all nonresidential buildings, high-rise residential buildings, and hotels and motels, when designated to allow use of an occupancy group or type regulated by Part 6 the person(s) responsible for the Certificate(s) of Acceptance shall submit the Certificate(s) and their associated Compliance Registration Packages for registration and retention to a data registry approved by the Commission, excluding all Certificates of Acceptance recorded by an acceptance test technician certification provider (Sections 10-103.1 and 10-103.2). The submittals to the approved data registry shall be made electronically in accordance with the specifications in Reference Joint Appendix JA7.

Contingent upon availability and approval of an electronic document repository by the Executive Director, Certificate of Acceptance documents and their associated Compliance Registration Packages that are registered and retained by an approved data registry shall also be automatically transmitted by the data registry, to an electronic document repository for retention in accordance with the specifications in Reference Joint Appendix JA7.

C. A copy of the Certificate(s) of Acceptance shall be posted, or made available with the building permit(s) issued for the building, and shall be made available to the enforcement agency for all applicable inspections. If construction on any portion of the building subject to Part 6 will be impossible to inspect because of subsequent construction, the enforcement agency may require the Certificate(s) of Acceptance to be posted upon completion of that portion. A copy of the Certificate(s) of Acceptance shall be included with the documentation the builder provides to the building owner at occupancy as specified in Section 10-103(b).

5. **Certificate of Field Verification and Diagnostic Testing (Certificate of Verification).** For all buildings for which compliance requires field verification, a certified ECC-Rater shall conduct all required field verification and diagnostic testing in accordance with applicable procedures specified in Reference Appendices RA2, RA3, NA1, and NA2. All applicable Certificates of Verification documentation shall be completed, signed and submitted by the certified ECC-Rater who performed the field verification and diagnostic testing services (*responsible person*) in accordance with the requirements of Section 10-103(a)5, and Reference Appendices RA2 and NA1, to certify conformance with Part 6. If more than one rater has responsibility for the verification for the building, each rater shall sign and submit the Certificate of Verification documentation applicable to the portion of the building for which they are responsible. Subject to the requirements of Section 10-103(a)5, persons who prepare Certificate of Verification documentation (*documentation authors*) shall sign a declaration statement on the documents they prepare to certify the information provided on the documentation is accurate and complete. The signatures provided by *responsible persons* and *documentation authors* shall be electronic signatures on electronic documents.

A. **Format.** All Certificate of Verification documentation shall conform to a format and informational order and content approved by the Energy Commission.

These documents shall:

i. Identify the installed features, materials, components, manufactured devices or system performance diagnostic results that require verification for compliance with Part 6 as specified on the Certificate(s) of Compliance for the building.

ii. State the number of the building permit under which the construction or installation was performed.

iii. Display the unique registration number assigned by the ECC-Provider data registry, and provide any additional information required by Reference Appendices RA2, RA3, NA1, and NA2.

iv. Include a declaration statement indicating that the installed features, materials, components or manufactured devices requiring verification conform to the applicable requirements in Reference Appendices RA2, RA3, NA1, NA2, and the requirements specified on the Certificate(s) of Compliance approved by the local enforcement

agency, and confirms the same features, materials, components or manufactured devices are identified on the applicable Certificate(s) of Installation signed and submitted by the person(s) responsible for the construction or installation as described in Section 10-103(a)3.

v. Be signed by the *documentation author* to certify the documentation is accurate and complete. The signatures shall be electronic signatures on electronic documents in accordance with the electronic signature specifications in Reference Joint Appendix JA7.

vi. Be signed by the ECC-Rater who performed the field verification and diagnostic testing services (*responsible person*). The signatures shall be electronic signatures on electronic documents in accordance with the electronic signature specifications in Reference Joint Appendix JA7.

B. For all buildings for which compliance requires field verification, the certified ECC-Rater responsible for the Certificate(s) of Verification shall submit the Certificates and their associated Compliance Registration Packages for registration and retention to an ECC-Provider data registry in accordance with the applicable procedures in Reference Appendices RA2 and NA1, and in compliance with Section 10-103.3.

The submittals to the ECC-Provider data registry shall be made electronically in accordance with the specifications in Reference Joint Appendix JA7.

Contingent upon availability and approval of an electronic document repository by the Executive Director, Certificate of Verification documents and their associated Compliance Registration Packages that are registered and retained by an ECC-Provider data registry in accordance with Section 10-103.3 shall also be automatically transmitted by the data registry, to an electronic document repository for retention in accordance with the specifications in Reference Joint Appendix JA7.

C. **Availability.** For all buildings, a copy of the registered Certificate(s) of Verification shall be posted, or made available with the building permit(s) issued for the building, or made available for viewing on an approved data registry, and shall be made available to the enforcement agency for all applicable inspections. If construction on any portion of the building subject to Part 6 will be impossible to inspect because of subsequent construction, the enforcement agency may require the Certificate(s) of Verification to be posted upon completion of that portion. A copy of the registered Certificate(s) of Verification shall be included with the documentation the builder provides to the building owner at occupancy as specified in Section 10-103(b).

Exception to Section 10-103(a): Enforcing agencies may not require nonresidential buildings that have no more than 1,000 square feet of conditioned floor area in the entire building and an occupant load of 49 persons or less to comply with the documentation requirements of Section 10-103(a), provided a statement of compliance with Part 6 is submitted and signed by a licensed engineer or the licensed architect with chief responsibility for the design.

(b) **Compliance, operating, maintenance and ventilation information to be provided by builder.**

1. **Compliance information.**

A. For low-rise residential buildings, at final inspection, the enforcement agency shall require the builder to leave in the building, copies of the completed, signed and submitted compliance documents for the building owner at occupancy. For low-rise residential buildings, such information shall, at a minimum, include copies of all Certificate of Compliance, Certificate of Installation and Certificate of Verification documentation submitted. These documents shall be in paper or electronic format and shall conform to the applicable requirements of Section 10-103(a).

B. For nonresidential buildings, high-rise residential buildings and hotels and motels, at final inspection, the enforcement agency shall require the builder to leave in the building, copies of the completed, signed and submitted compliance documents for the building owner at occupancy. For nonresidential buildings, high-rise residential buildings and hotels and motels, such information shall include copies of all Certificate of Compliance, Certificate of Installation, Certificate of Acceptance and Certificate of Verification documentation submitted. These documents shall be in paper or electronic format and shall conform to the applicable requirements of Section 10-103(a).

2. **Operating information.** At final inspection, the enforcement agency shall require the builder to leave in the building, for the building owner at occupancy, operating information for all applicable features, materials, components and mechanical devices installed in the building. Operating information shall include instructions on how to operate the features, materials, components and mechanical devices correctly and efficiently. The instructions shall be consistent with specifications set forth by the Executive Director. For low-rise residential buildings, such information shall be contained in a folder or manual which provides all information specified in Section 10-103(b). This operating information shall be in paper or electronic format.

For dwelling units, buildings or tenant spaces that are not individually owned and operated, or are centrally operated, such information shall be provided to the person(s) responsible for operating the feature, material, component or mechanical device installed in the building. This operating information shall be in paper or electronic format.

3. **Maintenance information.** At final inspection, the enforcement agency shall require the builder to leave in the building, for the building owner at occupancy, maintenance information for all features, materials, components and manufactured devices that require routine maintenance for efficient operation. Required routine maintenance actions shall be clearly stated and incorporated on a readily accessible label. The label may be limited to identifying, by title and/or publication number, the operation and maintenance manual for that particular model and type of feature, material, component or

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manufactured device. For low-rise residential buildings, this information shall include a schedule of all interior luminaires and lamps installed to comply with Section 150.0(k).

For dwelling units, buildings or tenant spaces that are not individually owned and operated or are centrally operated, such information shall be provided to the person(s) responsible for maintaining the feature, material, component or mechanical device installed in the building. This information shall be in paper or electronic format.

4. **Ventilation information.**
   A. For low-rise and high-rise residential buildings, the enforcement agency shall require the builder to leave the following information in the building, for the building owner at occupancy:
      i. A description of the quantities of outdoor air that the whole-dwelling unit ventilation system(s) are designed to provide to the building's conditioned space, and instructions for proper operation and maintenance of the ventilation system.
      ii. Instructions for proper operation and maintenance of local exhaust systems, including instructions for conditions for which any occupant-controlled systems such as kitchen range hoods and bathroom exhaust fans should be used.
      iii. For systems in buildings or tenant spaces that are not individually owned and operated by the dwelling unit occupants, the building's owner or their representative shall provide a copy of the ventilation system information to dwelling occupants at the beginning of their occupancy. For systems in buildings or tenant spaces that are centrally operated, all applicable ventilation system information shall be provided to the person(s) responsible for operating and maintaining the feature, material, component or mechanical ventilation device installed in the building. This information shall be in paper or electronic format.
   B. For nonresidential buildings, and hotels and motels, the enforcement agency shall require the builder to provide the building owner at occupancy a description of the quantities of outdoor and recirculated air that the ventilation systems are designed to provide to each area. For buildings or tenant spaces that are not individually owned and operated or are centrally operated, such information shall be provided to the person(s) responsible for operating and maintaining the feature, material, component or mechanical device installed in the building. This information shall be in paper or electronic format.

(c) **Equipment information to be provided by manufacturer or supplier.** The manufacturer or supplier of any manufactured device shall, upon request, provide to building designers and installers information about the device. The information shall include the efficiency (and other characteristics regulated by Part 6). This information shall be in paper or electronic format.

(d) **Enforcement agency requirements.**

1. **Permits.** An enforcement agency shall not issue a building permit for any construction unless the enforcement agency determines in writing that the construction is designed to comply with the requirements of Part 6 that are in effect on the date the building permit was applied for. The enforcement agency determination shall confirm that the documentation requirements of Sections 10-103(a)1 and 10-103(a)2 have been met.

   If a building permit has been previously issued, there has been no construction under the permit, and the permit has expired, the enforcement agency shall not issue a new permit unless the enforcement agency determines in writing that the construction is designed to comply with the requirements of Part 6 in effect on the date the new permit is applied for. The enforcement agency determination shall confirm that the documentation requirements of Sections 10-103(a)1 and 10-103(a)2 have been met.

   "Determines in writing" includes, but is not limited to, approval of a building permit with a stamp normally used by the enforcement agency.

2. **Inspection.** The enforcement agency shall inspect newly constructed buildings and additions, and alterations to existing buildings to determine whether the construction or installation is consistent with the agency's approved plans and specifications, and complies with Part 6. Final certificate of occupancy shall not be issued until such consistency and compliance is verified. For Occupancy Group R-3, final inspection shall not be complete until such consistency and compliance is verified.

   Such verification shall include determination that:

   A. All installed features, materials, components or manufactured devices, regulated by the Appliance Efficiency Regulations or Part 6 are indicated, when applicable, on the Certificate(s) of Installation, Certificate(s) of Acceptance and Certificate(s) of Verification, and are consistent with such features, materials, components or manufactured devices given in the plans and specifications and the Certificate(s) of Compliance approved by the local enforcement agency.
   B. All required Certificates of Installation are posted, or made available with the building permit(s) issued for the building, or made available for viewing on an approved data registry, and are made available to the enforcement agency for all applicable inspections, and that all required Certificates of Installation conform to the specifications of Section 10-103(a)3.
   C. All required Certificates of Acceptance are posted, or made available with the building permit(s) issued for the building and are made available to the enforcement agency for all applicable inspections, and that all required Certificates of Acceptance conform to the specifications of Section 10-103(a)4.
   D. All required Certificates of Verification are posted, or made available with the building permit(s) issued for the building, or made available for viewing on an approved data registry, and are made available to the enforcement agency

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for all applicable inspections, and that all required Certificates of Verification conform to the specifications of Section 10-103(a)5.

Authority: Sections 25402 and 25402.1, Public Resources Code.

Reference: Section 25402, Public Resources Code.

HISTORY:

1. Amendment of subsection (e) filed 1-19-84; effective thirtieth day thereafter (Register 84, No. 3).
2. Amendment filed 12-27-84; designated effective 1-1-85 pursuant to Government Code Section 11346.2 (d) (Register 84, No. 52).
3. Editorial correction of subsection (b) filed 2-5-85; effective upon filing pursuant to Government Code Section 11346.2 (d) (Register 85, No. 6).
4. Amendment of subsection (a) filed 12-4-86; effective thirtieth day thereafter (Register 87, No. 1).
5. (CEC 1/92) Regular order by the California Energy Commission to amend Section 10-103, Part 1, Title 24, California Code of Regulations. Filed with the secretary of state June 12, 1992; publication date July 15, 1992; effective 30 days thereafter. Approved as a regular order by the California Building Standards Commission on June 8, 1992.
6. (CEC 2/94) Regular order by the California Energy Commission to amend Section 10-103 (a) 1, 2, 3 and 4; (b) 1, 2 and 3; (d) 2, Part 1, Title 24, California Code of Regulations. Filed with the secretary of state May 24, 1995; effective 30 days thereafter. Approved as a regular order by the California Building Standards Commission on May 23, 1995.

10-103.1. Nonresidential lighting controls acceptance test training and certification.

(a) **Scope.** The requirements of this section apply to Acceptance Test Technicians (ATTs) and Acceptance Test Employers (ATEs), and Acceptance Test Technician Certification Providers (ATTCPs) that perform work relating to the acceptance testing of nonresidential lighting systems and controls.

(b) **Industry certification threshold.** ATT and ATE certification requirements shall take effect when the Energy Commission finds that each of the following conditions are met. Until such time that Sections 10-103.1(b)1 and 10-103.1(b)2 are met, or if, subsequent to being met, they cease to be maintained, Field Technicians may complete acceptance testing as specified in Part 6, Sections 130.4 and 160.5(e) without meeting the certification requirements specified in Part 1, Section 10-103.1.

1. **Number of certified ATTs.** There shall be no less than 300 ATTs certified to perform the lighting acceptance tests in Building Energy Efficiency Standards, Sections 130.4 and 160.5(e). The number of certified ATTs shall be submitted to the Energy Commission in the annual reports prepared by ATTCPs, as specified in Section 10-103.1(d)1.
2. **Industry coverage by ATTCPs.** The ATTCPs approved by the Energy Commission, in their entirety, shall provide reasonable access to certification to the following industry groups: electrical contractors, certified general electricians, licensed architects, professional engineers, controls installation and startup contractors and certified commissioning professionals who have verifiable training, experience and expertise in lighting controls and electrical systems. The Energy Commission will determine whether reasonable access to certification is provided by considering factors such as certification costs commensurate with the complexity of the training being provided, certification marketing materials, prequalification criteria, class location and availability, and curriculum.

(c) **Qualifications and approval of ATTCPs.** ATTCPs shall submit a written application to the Energy Commission with a summary and the related background documents to explain how the following criteria and procedures have been met:

1. **Organizational Structure.** ATTCPs shall provide written explanations of the organization type, by-laws and ownership structure. ATTCPs shall explain in writing how their certification program meets the qualification requirements of Title 24, Part 1, Section 10-103.1(c). ATTCPs shall explain in their application to the Energy Commission their organizational structure and their procedures for independent oversight, quality assurance, supervision and support of the acceptance test training and certification processes.
2. **Certification of ATEs.** The ATTCPs shall provide written explanations of their certification and oversight of ATEs. This explanation shall document how the ATTCP ensures that ATEs are providing quality control and appropriate supervision and support for their ATTs.
    A. **Recertification.** The ATTCP shall recertify all ATEs prior to the implementation of each adopted update to the Building Energy Efficiency Standards as these updates affect the acceptance test requirements. Recertification requirements and procedures shall only apply to those specific elements that are new or modified in future updates to Building Energy Efficiency Standards.
3. **Training and Certification Procedures.** ATTCPs shall include with their application a complete copy of all training and testing procedures, manuals, handbooks and materials. ATTCPs shall explain in writing how their training and certification procedures include, but are not limited to, the following:
    A. **Training scope.** The scope of the training shall include both hands-on experience and theoretical training to certify competency in the technologies and skills necessary to perform the acceptance tests.
    B. **ATT training.**
        i. **Curricula.** ATTCP training curricula for ATTs shall include, but not be limited to, the analysis, theory and practical application of the following:
            a. Lamp and ballast systems;
            b. Line voltage switching controls;
            c. Low voltage switching controls;
            d. Dimming controls;
            e. Occupancy sensors;

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f. Photosensors;
g. Demand responsive signal inputs to lighting control systems;
h. Building Energy Efficiency Standards required lighting control systems;
i. Building Energy Efficiency Standards required lighting control system-specific analytical/problem solving skills;
j. Integration of mechanical and electrical systems for Building Energy Efficiency Standards required lighting control installation and commissioning;
k. Safety procedures for low-voltage retrofits (< 50 volts) to control line voltage systems (120 to 480 volts);
l. Accurate and effective tuning, calibration and programming of Building Energy Efficiency Standards required lighting control systems;
m. Measurement of illuminance according to the Illuminating Engineering Society's measurement procedures as provided in the IES Lighting Library;
n. Building Energy Efficiency Standards lighting controls acceptance testing procedures; and
o. Building Energy Efficiency Standards acceptance testing compliance documentation for lighting controls.

ii. **Hands-on training.** The ATTCP shall describe in its application the design and technical specifications of the laboratory boards, equipment and other elements that will be used to meet the hands-on requirements of the training and certification.

iii. **Prequalification.** Participation in the certification program shall be limited to persons who have at least three years of professional experience and expertise in lighting controls and electrical systems as determined by the Lighting Controls ATTCPs.

Note: ATTCPs may specify additional qualifications for participation in their programs, such as limiting participation to persons that are not currently listed as "decertified" by another ATTCP.

iv. **Instructor to Trainee Ratio.** The ATTCP shall document in its application to the Energy Commission why its instructor to trainee ratio is sufficient to ensure the integrity and efficacy of the curriculum and program based on industry standards and other relevant information.

v. **Tests.** The ATTCP shall describe the written and practical tests used to demonstrate each certification applicant's competence in all specified subjects. The ATTCPs shall retain all results of these tests for five years from the date of the test.

vi. **Recertification.** The ATTCP shall recertify all ATTs prior to the implementation of each adopted update to the Building Energy Efficiency Standards when these updates affect the acceptance test requirements. Recertification requirements and procedures shall only apply to those specific elements that are new or modified in future updates to Building Energy Efficiency Standards. The ATTCP shall develop recertification training curricula for ATTs consistent with training requirements in Sections 10-103.1(c)3A and 10-103.1(c)3B, and shall submit the proposed recertification training curricula to the Energy Commission for review and approval in the update report required under Section 10-103.1(d)2.

C. **ATE Training.** Training for ATEs shall consist of a single class or webinar consisting of at least four hours of instruction that covers the scope and process of the acceptance tests in Building Energy Efficiency Standards, Sections 130.4 and 160.5(e).

D. **Complaint procedures.** The ATTCPs shall describe in their applications to the Energy Commission procedures for accepting and addressing complaints regarding the performance of any ATT or ATE certified by the ATTCP, and explain how building departments and the public will be notified of these proceedings.

E. **Decertification procedures.** The ATTCPs shall describe in its applications to the Energy Commission procedures for revoking their certification of ATTs and ATEs based upon poor quality or ineffective work, failure to perform acceptance tests, falsification of documents, failure to comply with the documentation requirements of these regulations or other specified actions that justify decertification. The ATTCP shall also describe its general procedures for decertified ATTs or ATEs seeking to regain their certification status, including eligibility requirements for recertification (if any).

F. **Quality assurance and accountability.** The ATTCP shall describe in its application to the Energy Commission its procedures for conducting quality assurance and accountability activities, including but not limited to the following:

i. The ATTCP shall include quality assurance and accountability measures, including but not limited to independent oversight of the certification materials, processes and procedures, visits to building sites where certified technicians are completing acceptance tests, certification process evaluations, and expert review of the training curricula developed for Building Energy Efficiency Standards, Sections 130.4 and 160.5(e). Independent oversight may be demonstrated by accreditation under the ISO/IEC 17024 standard.

ii. The ATTCP shall review a random sample of no less than 1 percent of each ATT's completed compliance forms.

iii. The ATTCP shall perform audits by meeting either of the following:

a. The ATTCP shall perform randomly selected on-site audits of no less than 1 percent of each ATT's completed acceptance tests.

b. The ATTCP shall shadow audit each ATT at an ATTCP training facility at least once per code cycle where the ATTCP shall observe the performance of the ATT on at least five functional tests for which the ATT is certified. The shadow audit must replicate field conditions for installed equipment and controls in a building. The ATTCP training facility shall be setup to allow auditing of all functional tests for which the ATT is certified. The shadow audits must be in addition to any testing used for ATT recertification.

G. **Certification identification number and verification of ATT and ATE certification status.** The ATTCP shall describe in its application to the Energy Commission its procedures for recording, tracking and communicating certification status, including but not limited to the following:

i. Upon certification of an ATT or ATE, the ATTCP shall issue a unique certification identification number to the ATT or ATE.

ii. The ATTCP shall maintain an accurate public record of the certification status for all ATTs and ATEs that the ATTCP has certified, including any ATTs or ATEs who have been decertified as specified in Section 10-103.1(c)3E.

iii. The ATTCP shall provide verification of current ATT certification status upon request to authorized document Registration Provider personnel or enforcement agency personnel to determine the ATT's eligibility to sign Certificate of Acceptance documentation according to all applicable requirements in Sections 10-103.1, 10-102, 10-103(a)4, and the Reference Joint Appendix JA7.

H. **Electronic database system**. The ATTCP shall maintain, or by suitable contractual requirements cause to be maintained, an electronic database system approved by the Energy Commission. The electronic database system shall be capable of all the following:

i. Support all activities for the ATTCP to comply with its quality assurance program as required by Section 10-103.1(c)3F.

ii. For no less than five years, record and preserve all certificates of acceptance offered for certification by the ATTCP and as performed by its own certified ATTs.

iii. Allow the transmission of electronic copies of each completed certificate of acceptance to the ATT that performed the test, the ATE associated with that ATT or both.

a. Each page of each certificate of acceptance shall bear the logo of the ATTCP or other identifying insignia as approved by the Energy Commission.

b. The electronic copy shall be capable of being printed.

c. The ATTCP may apply to the Energy Commission for approval to use alternative compliance documents that differ from those approved for use by the Energy Commission but must demonstrate that these alternative compliance documents do not differ in format, informational order or content from approved compliance documents.

iv. Provide a means of verifying any certificate of acceptance to the enforcement agency having jurisdiction as identified on the certificate of acceptance.

v. Provide the Energy Commission with any of the following project data or documents upon request: project address, permit numbers, acceptance test technician and acceptance test employee certification numbers, certificates of acceptance, compliance forms, installation forms and record of quality assurance review. The Energy Commission may adopt an Application Programming Interface (API) for providing data electronically. Within one year of development of an API, the ATTCP's electronic database system shall have the ability to transfer project data to the Energy Commission through the API upon completion of the project or at established intervals no longer than monthly.

I. **Compliance document recording and repository reporting requirement.**

i. The ATTCP shall record all certificates of compliance [Section 10-103(a)1], certificates of installation [Section 10-103(a)3] and certificates of acceptance [Section 10-103(a)4] associated with any acceptance test specified in Part 6, Sections 130.4 and 160.5(e).

ii. Contingent upon Energy Commission approval of the threshold [Section 10-103.1(b)] and upon availability and approval of an electronic document repository by the Executive Director, the ATTCP shall submit monthly data transfer packets to the Energy Commission to an electronic document repository for retention consistent with Energy Commission instructions.

(d) **Requirements for ATTCPs to provide regular reports.** The ATTCP shall provide the following regular reports to the Energy Commission:

1. **Annual report.** The ATTCP shall provide an annual report to the Energy Commission that includes the following:

A. A summary of the certification services provided over the reporting period, including the total number of Acceptance Test Technicians and Employers certified by the ATTCP during the reporting period and to date.

B. A summary of all actions taken against any ATT or ATE as a result of the complaint or quality assurance procedures described by the ATTCP as required under Section 10-103.1(c)3D and 10-103.1(c)3F.

C. A summary of the quality assurance and accountability activities conducted over the reporting period, including the compliance forms reviewed and the on-site audits performed as required under Section 10-103.1(c)3Fii during the reporting period and to date.

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D. A summary of the number and type of acceptance tests performed in each local jurisdiction over the reporting period and to date.

E. A signed certification to the Energy Commission that the ATTCP continues to meet the requirements of Section 10-103.1.

2. **Update report.** The ATTCP shall have no less than six months following the adoption of an update to the Building Energy Efficiency Standards to prepare an update report. The ATTCP shall submit an update report to the Energy Commission no less than six months prior to the effective date of any newly adopted update to the Building Energy Efficiency Standards. The ATTCP shall report to the Energy Commission what application amendments are proposed, to address changes to the Building Energy Efficiency Standards or to ensure training is reflective of the variety of lighting controls that are currently encountered in the field. All required update reports shall contain a signed certification that the ATTCP continues to meet the requirements of Section 10-103.1. Update reports shall be approved through the Amendment Process provided under Section 10-103.1(f).

All required reports shall contain a signed certification that the ATTCP has met all requirements for this program.

(e) **Application review and determination.** The Energy Commission shall review ATTCP applications according to the criteria and procedures in Section 10-103.1(c) to determine if such providers meet the specified requirements for providing acceptance testing certification services.

1. Energy Commission staff will review and validate all information received on ATTCP applications, and determine whether the application is complete and contains sufficient information to be evaluated by staff. Complete applications shall be evaluated by staff based on their contents.
2. The Executive Director may require that the applicant provide additional information as required by staff to fully evaluate the ATTCP application.
3. The Executive Director shall provide a copy of the staff evaluation to interested persons and provide a reasonable opportunity for public comment.
4. The Executive Director shall issue a written recommendation that the Energy Commission designate the applicant as an authorized ATTCP or deny the application.
5. The Energy Commission shall make a final decision on the application at a publicly-noticed hearing.

(f) **Amendment Process.** The ATTCP may amend a submitted or approved application, as follows:

1. **Amendment Scope.**

A. **Nonsubstantive Changes.** A nonsubstantive change is a change that does not substantively alter the requirements of the application materials for the ATTCP, ATT or ATE. For amendments making only nonsubstantive changes, the ATTCP shall submit the following:

i. A letter describing the change to the Energy Commission as an addendum to the application;

ii. A replacement copy of the affected sections of the ATTCP application with the changes incorporated; and

iii. A copy of the affected sections of the ATTCP application showing the changes in underline and strikeout format.

B. **Substantive Changes.** A substantive change is a change that substantively alters the requirements of the application materials for the ATTCP, ATT or ATE. For amendments making any substantive changes, the ATTCP shall submit the following:

i. A document describing the scope of the change to the application, the reason for the change and the potential impact to the ATTCP, ATT and ATE as an addendum to the application;

ii. A replacement copy of the affected sections of the ATTCP application with the changes incorporated; and

iii. A copy of the affected sections of the ATTCP application showing the changes in underline and strikeout format.

2. **Amendment Review.** Amendments submitted prior to approval of an ATTCP application shall be included in the application's Application Review and Determination process specified in Section 10-103.1(e).

Amendments submitted after approval of an ATTCP's application that contain only nonsubstantive changes shall be reviewed by the Executive Director for consistency with Section 10-103.1. Amendments determined to be consistent with this section shall be incorporated into the approval as errata.

Amendments submitted after approval of an ATTCP's application that contain any substantive changes shall be subject to the Application Review and Determination process specified in Section 10-103.1(e). If the Energy Commission finds that the amended application does not meet the requirements of Section 10-103.1, then the ATTCP shall either abide by the terms of their previously approved application or have their approval suspended.

(g) **Review by the Energy Commission.** If the Energy Commission determines there is a violation of these regulations or that an ATTCP is no longer providing adequate certification services, the Energy Commission may revoke the authorization of the ATTCP pursuant to Section 1230 et seq. of Title 20 of the California Code of Regulations.

Authority: Sections 25402, 25402.1, 25213, Public Resources Code.

References: Sections 25007, 25008, 25218.5, 25310, 25402, 25402.1, 25402.4, 25402.5, 25402.8 and 25943, Public Resources Code.

10-103.2. Nonresidential mechanical acceptance test training and certification.

(a) **Scope.** The requirements of this section apply to Acceptance Test Technicians (ATTs), Acceptance Test Employers (ATEs) and Acceptance Test Technician Certification Providers (ATTCPs) that perform work relating to the acceptance testing of nonresidential mechanical systems and controls.

(b) **Industry Certification Threshold.** ATT and ATE certification requirements shall take effect when the Energy Commission finds that each of the following conditions are met. Until such time that Sections 10-103.2(b)1 and 10-103.2(b)2 are met, or if, subsequent to being met, they cease to be maintained, Field Technicians may complete acceptance testing as specified in Sections 120.5 and 160.3(d) without completing certification requirements specified in Part 1, Section 10-103.2.

1. **Number of Certified ATTs.**
   - A. There shall be no less than 300 ATTs certified to perform the complete set of mechanical acceptance tests in Building Energy Efficiency Standards, Sections 120.5 and 160.3(d), except as provided in Subsection 10-103.2(b)1B. The number of certified ATTs shall be submitted to the Energy Commission in the annual reports prepared by ATTCPs, as specified in Section 10-103.2(d)1.
   - B. If there are less than 300 ATTs certified to perform all of the acceptance tests in Building Energy Efficiency Standards, Sections 120.5 and 160.3(d), then there shall be at least 300 ATTs certified to complete the following tests:
     - i. NA7.5.1 Outdoor Air Ventilation Systems
     - ii. NA7.5.2 Constant Volume, Single Zone Unitary Air Conditioners and Heat Pumps
     - iii. NA7.5.4 Air Economizer Controls
     - iv. NA7.5.5 Demand Control Ventilation Systems
     - v. NA 7.5.6 Supply Fan Variable Flow Controls
     - vi. NA7.5.7, NA7.5.9 Hydronic System Variable Flow Controls
     - vii. NA7.5.10 Automatic Demand Shed Controls
2. **Industry coverage by ATTCPs.** ATTCPs approved by the Energy Commission, in their entirety, provide reasonable access to certification to the following industry groups: professional engineers, licensed architects, HVAC installers, mechanical contractors, Testing and Balancing (TAB) certified technicians, controls installation and startup contractors and certified commissioning professionals who have verifiable training, experience and expertise in HVAC systems. The Energy Commission will determine reasonable access by considering factors such as certification costs commensurate with the complexity of the training being provided, certification marketing materials, prequalification criteria, class availability and curriculum.

(c) **Qualifications and approval of ATTCPs.** ATTCPs shall submit a written application to the Energy Commission with a summary and the necessary background documents to explain how the following criteria and procedures have been met:

1. **Organizational Structure.** ATTCPs shall provide written explanations of the organization type, by-laws and ownership structure. ATTCPs shall explain in writing how their certification program meets the qualifications of Building Energy Efficiency Standards, Section 10-103.2(c). ATTCPs shall explain in their application to the Energy Commission their organizational structure and their procedures for independent oversight, quality assurance, supervision and support of the acceptance test training and certification processes.
2. **Certification of ATEs.** The ATTCPs shall provide written explanations of their certification and oversight of ATEs. This explanation shall document how the ATTCP ensures that ATEs are providing quality control and appropriate supervision and support for their ATTs.
   - A. **Recertification.** The ATTCP shall recertify all ATEs prior to the implementation of each adopted update to the Building Energy Efficiency Standards as these updates affect the acceptance test requirements. Recertification requirements and procedures shall only apply to those specific elements that are new or modified in future updates to Building Energy Efficiency Standards.
3. **Requirements for applicant ATTCPs to document training and certification procedures.** ATTCPs shall include with their application a complete copy of all training and testing procedures, manuals, handbooks and materials. ATTCPs shall explain in writing how their training and certification procedures include, but are not limited to, the following:
   - A. **Training scope.** The scope of the training shall include both hands-on experience and theoretical training to certify competency in the technologies and skills necessary to perform the acceptance tests.
   - B. **ATT training.**
     - i. **Curricula.** ATTCP training curricula for ATTs shall include, but not be limited to, the analysis, theory and practical application of the following:
       - a. Constant volume system controls;
       - b. Variable volume system controls;
       - c. Air-side economizers;
       - d. Air distribution system leakage;
       - e. Demand controlled ventilation with CO_2 sensors;
       - f. Demand controlled ventilation with occupancy sensors;
       - g. Automatic demand shed controls;
       - h. Hydronic valve leakage;

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i. Hydronic system variable flow controls;
j. Supply air temperature reset controls;
k. Condenser water temperature reset controls;
l. Outdoor air ventilation systems;
m. Supply fan variable flow controls;
n. Boiler and chiller isolation controls;
o. Fault detection and diagnostics for packaged direct-expansion units;
p. Automatic fault detection and diagnostics for air handling units and zone terminal units;
q. Distributed energy storage direct-expansion air conditioning systems;
r. Thermal energy storage systems;
s. Building Energy Efficiency Standards mechanical acceptance testing procedures; and
t. Building Energy Efficiency Standards acceptance testing compliance documentation for mechanical systems.

ii. **Hands-on training.** The ATTCP shall describe in its application the design and technical specifications of the laboratory boards, equipment and other elements that will be used to meet the hands-on requirements of the training and certification.

iii. **Prequalification.** Participation in the certification program shall be limited to persons who have at least three years of professional experience and expertise in mechanical controls and systems as determined by the Mechanical ATTCPs.

Note: ATTCPs may specify additional qualifications for participation in their programs, such as limiting participation to persons that are not currently listed as "decertified" by another ATTCP.

iv. **Instructor to trainee ratio.** The ATTCP shall document in its application to the Energy Commission why its instructor to trainee ratio is sufficient to ensure the integrity and efficacy of the curriculum and program based on industry standards and other relevant information.

v. **Tests.** The ATTCP shall describe the written and practical tests used to demonstrate each certification applicant's competence in all specified subjects. The ATTCPs shall retain all results of these tests for five years from the date of the test.

vi. **Recertification.** The ATTCP shall recertify all ATTs prior to the implementation of each adopted update to the Building Energy Efficiency Standards as these updates affect the acceptance test requirements. Recertification requirements and procedures shall only apply to those specific elements that are new or modified in future updates to Building Energy Efficiency Standards.

C. **ATE training.** Training for ATEs shall consist of a single class or webinar consisting of at least four hours of instruction that covers the scope and process of the acceptance tests in Building Energy Efficiency Standards, Sections 120.5 and 160.3(d).

D. **Complaint procedures.** Procedures described in writing for notifying building departments and the public that the ATTCP will accept complaints regarding the performance of any certified ATT or ATE, and procedures for how the ATTCP will address these complaints.

E. **Decertification procedures.** The ATTCP shall describe in its application to the Energy Commission procedures for revoking their certification of ATT and ATEs based upon poor quality or ineffective work, failure to perform acceptance tests, falsification of documents, failure to comply with the documentation requirements of these regulations or other specified actions that justify decertification. The ATTCP shall also describe its general procedures for decertified ATTs or ATEs seeking to regain their certification status, including eligibility requirements for recertification (if any).

F. **Quality assurance and accountability.** The ATTCP shall describe in its applications to the Energy Commission procedures for conducting quality assurance and accountability activities, including but not limited to the following:

i. The ATTCPs shall include quality assurance and accountability measures, including but not limited to independent oversight of the certification materials, processes and procedures, visits to building sites where certified technicians are completing acceptance tests, certification process evaluations, and expert review of the training curricula developed for Building Energy Efficiency Standards, Sections 120.5 and 160.3(d). Independent oversight may be demonstrated by accreditation under the ISO/IEC 17024 standard.

ii. The ATTCP shall review a random sample of no less than 1 percent of each ATT's completed compliance forms.

iii. The ATTCP shall perform audits by meeting either of the following:

a. The ATTCP shall randomly select and shadow audit no less than 1 percent of each ATE's overseen projects, following the assigned ATT and observing their performance on the job site.

b. The ATTCP shall shadow audit each ATT at an ATTCP training facility at least once per code cycle where the ATTCP shall observe the performance of the ATT on at least five functional tests for which the ATT is certified. The shadow audit must replicate field conditions for installed equipment and controls in a

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building. The ATTCP training facility shall be set up to allow auditing of all functional tests for which the ATT is certified. The shadow audits must be in addition to any testing used for ATT recertification.

G. **Certification identification number and verification of ATT and ATE certification status.** The ATTCP shall describe in its applications to the Energy Commission procedures for recording, tracking and communicating certification status, including but not limited to the following:

i. Upon certification of an ATT or ATE, the ATTCP shall issue a unique certification identification number to the ATT or ATE.

ii. The ATTCP shall maintain an accurate public record of the certification status for all ATTs and ATEs that the ATTCP has certified, including any ATTs or ATEs who have been decertified as specified in 10-103.2(c)3E.

iii. The ATTCP shall provide verification of current ATT certification status upon request to authorized document Registration Provider personnel or enforcement agency personnel to determine the ATT's eligibility to sign Certificate of Acceptance documentation according to all applicable requirements in Sections 10-103.2, 10-102, 10-103(a)4, and Reference Joint Appendix JA7.

H. **Electronic database system**. The ATTCP shall maintain, or by suitable contractual requirements cause to be maintained, an electronic database system approved by the Energy Commission. The electronic database system shall be capable of all the following:

i. Support all activities for the ATTCP to comply with its quality assurance program as required by Section 10-103.2(c)3F.

ii. For no less than five years, record and preserve all certificates of acceptance offered for certification by the ATTCP and as performed by its own certified ATTs.

iii. Allow the transmission of electronic copies of each completed certificate of acceptance to the ATT that performed the test, the ATE associated with that ATT or both.

a. Each page of each certificate of acceptance shall bear the logo of the ATTCP or other identifying insignia as approved by the Energy Commission.

b. The electronic copy shall be capable of being printed.

c. The ATTCP may apply to the Energy Commission for approval to use alternative compliance documents that differ from those approved for use by the Energy Commission but must demonstrate that these alternative compliance documents do not differ in format, informational order or content from approved compliance documents.

iv. Provide a means of verifying any certificate of acceptance to the enforcement agency having jurisdiction as identified on the certificate of acceptance.

v. Provide the Energy Commission with any of the following project data or documents upon request: project address, permit numbers, acceptance test technician and acceptance test employee certification numbers, certificates of acceptance, compliance forms, installation forms and record of quality assurance review. The Energy Commission may adopt an Application Programming Interface (API) for providing data electronically. Within one year of development of an API, the ATTCP's electronic database system shall have the ability to transfer project data to the Energy Commission through the API upon completion of the project or at established intervals no longer than monthly.

I. **Compliance document recording and repository reporting requirement:**

i. The ATTCP shall record all certificates of compliance [Section 10-103(a)1], certificates of installation [Section 10-103(a)3], and certificates of acceptance [Section 10-103(a)4] associated with any acceptance test specified in Part 6, Sections 120.5 and 160.3(d).

ii. Contingent upon Energy Commission approval of the threshold [Section 10-103.2(b)] and upon availability and approval of an electronic document repository by the Executive Director, the ATTCP shall submit monthly data transfer packets to the Energy Commission to an electronic document repository for retention consistent with Energy Commission instructions.

(d) **Requirements for ATTCPs to provide regular reports.** The ATTCP shall provide the following regular reports to the Energy Commission:

1. **Annual report.** The ATTCP shall provide an annual report to the Energy Commission that includes the following:

A. A summary of the certification services provided over the reporting period, including the total number of Acceptance Test Technicians and Employers certified by the agency during the reporting period and to date.

B. A summary of all actions taken against any ATT or ATE as a result of the complaint or quality assurance procedures described by the ATTCP as required under Section 10-103.2(c)3D and 10-103.2(c)3F.

C. A summary of the quality assurance and accountability activities conducted over the reporting period, including the compliance forms reviewed and the on-site audits performed as required under Section 10-103.2(c)3F(ii) during the reporting period and to date.

D. A summary of the number and type of acceptance tests performed in each local jurisdiction over the reporting period and to date.

E. A signed certification to the Energy Commission that the ATTCP continues to meet the requirements of Section 10-103.2.

2. **Update report.** The ATTCP shall have no less than six months following the adoption of an update to the Building Energy Efficiency Standards to prepare an Update Report. The ATTCP shall submit an Update Report to the Energy Commission no less than six months prior to the effective date of any newly adopted update to the Building Energy Efficiency Standards, The ATTCP shall report to the Energy Commission what application amendments are proposed to address changes to the Building Energy Efficiency Standards or to ensure training is reflective of the variety of mechanical equipment and systems currently encountered in the field. All required update reports shall contain a signed certification that the ATTCP continues to meet all the requirements of Section 10-103.2(c). Update reports shall be approved through the Amendment Process provided under Section 10-103.2(f).

All required reports shall contain a signed certification that the ATTCP has met all requirements for this program.

(e) **Application Review and Determination.** The Energy Commission shall review ATTCP applications according to the criteria and procedures in Section 10-103.2(c) to determine if such providers meet the specified requirements for providing acceptance testing certification services.

1. Energy Commission staff will review and validate all information received on ATTCP applications, and determine whether the application is complete and contains sufficient information to be evaluated by staff. Complete applications shall be evaluated by staff based on their contents.
2. The Executive Director may require that the applicant provide additional information as required by staff to fully evaluate the ATTCP application.
3. The Executive Director shall provide a copy of the staff evaluation to interested persons and provide an opportunity for public comment.
4. The Executive Director shall issue a written recommendation that the Energy Commission designate the applicant as an authorized ATTCP or deny the Provider application.
5. The Energy Commission shall make a final decision on the application at a publicly-noticed hearing.

(f) **Amendment Process.** The ATTCP may amend a submitted or approved application, as follows:

1. **Amendment scope.**
   A. **Nonsubstantive changes.** A nonsubstantive change is a change that does not substantively alter the requirements of the application materials for the ATTCP, ATT or ATE. For amendments making only nonsubstantive changes, the ATTCP shall submit the following:
      i. a letter describing the change to the Energy Commission as an addendum to the application;
      ii. A replacement copy of the affected sections of the ATTCP application with the changes incorporated; and
      iii. A copy of the affected sections of the ATTCP application showing the changes in underline and strikeout format.
   B. **Substantive changes.** A substantive change is a change that substantively alters the requirements of the application materials for the ATTCP, ATT or ATE. For amendments making any substantive changes, the ATTCP shall submit the following:
      i. A document describing the scope of the change to the application, the reason for the change and the potential impact to the ATTCP, ATT and ATE as an addendum to the application;
      ii. A replacement copy of the affected sections of the ATTCP application with the changes incorporated; and
      iii. A copy of the affected sections of the ATTCP application showing the changes in underline and strikeout format.
2. **Amendment review.** Amendments submitted prior to approval of an ATTCP application shall be included in the application's Application Review and Determination process specified in Section 10-103.2(e).

Amendments submitted after approval of an ATTCP's application that contain only nonsubstantive changes shall be reviewed by the Executive Director for consistency with Section 10-103.2. Amendments determined to be consistent with this section shall be incorporated into the approval as errata.

Amendments submitted after approval of an ATTCP's application that contain any substantive changes shall be subject to the Application Review and Determination process specified in Section 10-103.2(e). If the Energy Commission finds that the amended application does not meet the requirements of Section 10-103.2, then the ATTCP shall either abide by the terms of their previously approved application or have their approval suspended.

(g) **Review by the Energy Commission.** If the Energy Commission determines there is a violation of these regulations or that an ATTCP is no longer providing adequate certification services, the Energy Commission may revoke the authorization of the ATTCP pursuant to Section 1230 et seq. of Title 20 of the California Code of Regulations.

Authority: Sections 25402, 25402.1, 25213, Public Resources Code.

> **Reference:** Sections 25007, 25008, 25218.5, 25310, 25402.1, 25402.4, 25402.5, 25402.8 and 25943, Public Resources Code.

10-103.3. Administrative procedures for the Energy Code Compliance Program.

(a) **Scope.** The requirements in this section apply to ECC-Providers, ECC-Raters, and ECC-Rater Companies performing work relating to residential field verification and diagnostic testing for the Energy Code Compliance (ECC) Program. The ECC Program is intended to verify that the newly constructed residential buildings and additions and alterations to existing residential buildings

comply with the requirements of the Building Energy Efficiency Standards in order to protect consumers from poor construction and installations.

(b) **General Provisions.**

1. **Conflicts of Interest.**

A. **Prohibition of Conflicts of Interest.**

i. ECC-Providers shall be independent from, and have no financial interest in, ECC-Rater Companies or ECC-Raters.

ii. ECC-Providers, ECC-Raters, and ECC-Rater Companies shall operate independently and shall not have any financial interest in the builder, designer, or subcontractor serving as the "Responsible Person" signatory as specified in Sections 10-103(a)1 and 10-103(a)3 on a project. However, an exception applies if the ECC-Rater Company submits a Declaration of ECC-Rater Company Separation of Services, as provided in Section 10-103.3(f)2Diii. This applies specifically to projects where the ECC-Rater is involved in, or is reasonably expected to provide, field verification and diagnostic testing services.

iii. For the purposes of this subdivision, a "financial interest" includes:

a. A business entity in which the entity or individual has a direct or indirect investment worth $2,000 or more, or in which the entity or individual is a director, officer, partner, trustee, or employee. However, this prohibition on investments does not include ownership of less than five percent of a publicly traded company.

b. An ownership interest, debt agreement, or employer/employee relationship.

iv. ECC-Providers, ECC-Raters, and ECC-Rater Companies or principals of an ECC-Provider or ECC-Rater Company shall not perform field verification or diagnostic tests services for builders, designers, or subcontractors owned or operated by close familial relatives. For purposes of this subdivision, "close familial relative" means a spouse, domestic partner, or cohabitation partner or a parent, grandparent (including greats), sibling, child, grandchild (including greats) of the individual or spouse, domestic partner, or cohabitation partner, and any person living in the same household.

v. ECC-Raters and ECC-Rater Companies shall not perform any construction activity on a project site for which a construction permit is issued and for which they will or are reasonably expected to perform field verification or diagnostic testing services.

vi. ECC-Raters or ECC-Rater Companies shall provide a report to the building or project owner for field verification or diagnostic testing services performed on the project site. The report may be provided through a contractor or other project representative to the building or project owner but must be a conspicuous and separate document from other documents provided by the contractor or project representative. The report must include all of the following elements:

a. The ECC-Rater's or ECC-Rater Company's name, logo (if any), contact information, and certification number.

b. The ECC-Provider data registry link and registry numbers for all compliance documents registered by the ECC-Rater or ECC-Rater Company for the project.

c. An itemization of each field verification or diagnostic test, as well as any other services performed for the project, the amount charged, and the results in terms of pass or fail.

vii. The ECC-Provider shall develop a Consumer Information Form, and the Commission may request to review and provide recommendations on the content of that form. The Consumer Information Form shall include educational materials regarding the ECC Program, the roles and responsibilities of ECC-Raters, ECC-Providers and ECC-Rater Companies, and the means by which the owner may file a complaint. The Consumer Information Form must also include the owner's valid contact information, comprised of the owner's name, project address, phone number, and email. Prior to the start of any field verification or diagnostic testing at a project site, the ECC-Rater or ECC-Rater Company shall provide a copy of the most recent version of the Consumer Information Form developed by the ECC-Provider to the owner or owner representative and shall submit a completed Consumer Information Form to the ECC-Provider. Failure to register a valid Consumer Information Form will make the ECC-Rater or ECC-Rater Company subject to discipline as described in Sections 10-103.3(d)7 and 10-103.3(d)8. For projects with no current owner in residence, the owner's contact information may be that of the landlord, developer, builder, or any other such person with a real property interest. For the purposes of a Consumer Information Form, register is defined as submitting the information outlined in this paragraph to the ECC-Provider.

viii. Once an ECC-Rater has registered a failed field verification or diagnostic test, that ECC-Rater or ECC-Rater Company (or Independent Rater) shall become the ECC-Rater of Record (ROR) for the specific field verification or diagnostic test at the project site. If the ROR is an ECC-Rater Company or Independent Rater, then the ROR may be replaced by any ECC-Rater that is a fulltime employee of the ECC-Rater Company or Independent Rater and in good standing with the ECC-Provider. Except as provided in subdivision (a) below, only the ROR may register a subsequent passing field verification or diagnostic test previously registered as a failure.

a. Under any of the following circumstances, the ECC-Provider may release a project from the ROR but must verify that the retest for the failed field verification or diagnostic test is legitimate either through a site visit, photographic evidence (or other remote verification), or a desk audit (Section 10-103.3(d)5Civ) on the project:
   (i) The ROR agrees to release the project.
   (ii) The ROR is physically unable to continue work on the project due to injury, misfortune, or availability.
   (iii) The ROR's certification has been suspended (Section 10-103.3(d)7C) or decertified (Section 10-103.3(d)7D).
   (iv) The ROR is unwilling to continue work on the project.

b. The ECC-Provider shall lock the project compliance documentation within the data registry by address, permit number, or other reasonable means and shall not allow any further compliance documents to be registered for a failed test at the project site other than from the ROR or allowable substitute under Section 10-103.3(b)1Aviiia.

c. An ECC-Provider shall not knowingly accept compliance documents for registration for a project that has an active failed field verification or diagnostic tests in any other ECC-Provider data registry.
   (i) ECC-Providers shall submit a complaint to the Commission (Section 10-103.3(d)6B) upon suspected violation of this requirement.
   (ii) Upon investigation, the Commission may take disciplinary action against an ECC-Provider (Section 10-103.3(d)15) if the CEC can demonstrate noncompliance or recommend disciplinary action against an ECC-Rater or ECC-Rater Company (Sections 10-103.3(d)7 and 10-103.3(d)8).

ix. **Use of Registered Certificates.** The use of registered certificates, including Certificates of Compliance, Certificates of Installation, and Certificates of Verification, is limited to the demonstration and documentation of the project compliance with the Building Energy Efficiency Standards. Other uses of registered certificates, such as for federal tax credits, is only permitted for projects that have been completed and are closed within the data registry.

B. **Conflicted Data.** The prohibitions on conflicts of interest specified in Section 10-103.3(b)1A apply to any data collected by an ECC-Rater. Any data collected by an ECC-Rater when they have a conflict of interest, regardless of its accuracy, shall be considered conflicted data. Any data collected through sampling procedures (Building Energy Efficiency Standards, Reference Appendix RA2.6) where the ECC-Provider is refused access to perform an onsite quality assurance audit (Section 10-103.3(d)5Ci) shall be considered conflicted data.

i. ECC-Providers shall not knowingly accept conflicted data on their systems. ECC-Providers may demonstrate that they have fulfilled this requirement by, for example:
   a. Requiring ECC-Raters to affirmatively indicate, upon submitting any data to the ECC-Provider, that the data is not conflicted data or that the ECC-Rater had a conflict of interest at the time the data was collected but had express written approval from the Executive Director waiving the conflict of the ECC-Rater.
   b. Any other process approved by the CEC.

ii. ECC-Providers shall take all reasonable steps to detect, deter, isolate, and identify conflicted data in their systems, including in compliance documents and Compliance Registration Packages. ECC-Providers may demonstrate that they have taken all reasonable steps, for example:
   a. Requiring ECC-Raters to complete training, prior to certification, regarding the requirements of Section 10-103.3(b)1A, including that it applies to data, or by some other reasonable method to deter conflicted data.
   b. Instituting a desk audit program that assesses data submitted to the ECC-Provider pursuant to Section 10-103.3(d)5Civ to confirm whether the submitting ECC-Rater had a disqualifying conflict of interest pursuant to Section 10-103.3(b)1A at the time of the data's submission, or by some other reasonable method to detect conflicted data.
   c. Investigating and, as necessary, quarantining or marking conflicted data, or otherwise identifying that data as conflicted, including pursuant to Section 10-103.3(b)1Bvi.
   d. Any other process approved by the CEC.

iii. ECC-Providers may not use, rely on, sell, or offer for sale, any conflicted data for any purpose other than to detect, deter, isolate, and identify conflicted data from their systems, or to otherwise prevent the generation or transmission of conflicted data.

iv. ECC-Raters and ECC-Rater Companies may not submit any conflicted data without the express written approval of the Executive Director. ECC-Raters and ECC-Rater Companies may fulfill this requirement by, for example:
   a. Affirmatively indicating, upon submitting any data to the ECC-Provider, that the data is not conflicted data, or that the ECC-Rater or ECC-Rater Company had a conflict of interest at the time the data was collected but had express written approval from the Executive Director excusing the conflict.

b. Any other process approved by the CEC.

v. Any ECC-Rater or ECC-Rater Company may apply to the Executive Director for express written approval excusing a conflict of interest under this section.

a. Such an application must include the following information: an explanation of the conflict of interest, the beginning and ending date of the conflict of interest (if any), and written justification providing compelling and persuasive evidence that (1) the conflict of interest will not result in inaccurate data and (2) unnecessary hardship will result from the application of the prohibition on conflicted data in this instance.

b. The Executive Director may grant such written approval only if the Executive Director finds there is compelling and persuasive evidence of the factors identified in Section 10-103.3(b)1Bva.

c. Unsupported or general assertions of trustworthiness or accuracy are neither compelling nor persuasive evidence of the factors identified in Section 10-103.3(b)1Bva.

d. The Executive Director may, at their discretion, request additional information, provide express written approval, provide conditional express written approval, or reject the request. If an applicant does not receive a reply within 120 calendar days, their request is denied.

vi. Upon identifying data that may be conflicted, the ECC-Provider shall perform a desk audit to assess whether the data is in fact conflicted data, such as by contacting the submitting ECC-Rater or ECC-Rater Company and asking them to confirm, in writing, whether the data was conflicted or not. Upon discovery of a violation of the conflict-of-interest restrictions in Section 10-103.3(b)1A, the ECC-Provider shall use this gathered information to initiate disciplinary action against either (or both) the ECC-Rater (Section 10-103.3(d)7) and ECC-Rater Company (Section 10-103.3(d)8) responsible for the registered data in question.

vii. ECC-Providers shall flag or otherwise mark verified conflicted data (Section 10-103.3(b)1Bvi) in the data registry and inform all of the following of the identification of the data and which field verification and diagnostic tests reliant on the data are invalidated: the homeowner, ECC-Rater, ECC-Rater Company, authority having jurisdiction over the issued construction permit, and the Commission.

2. **Prohibition on False, Inaccurate, or Incomplete Information.**

A. ECC-Providers shall not knowingly accept, store, or disseminate untrue, inaccurate, or incomplete information or information received through actions not conducted in compliance with these regulations, including information related to field verification and diagnostic testing information, field verification and diagnostic test results, or results on a certificate of compliance or certificate of installation documents.

B. ECC-Providers shall not accept payment or other consideration in exchange for use of their data registry to report a field verification and diagnostic test result that was knowingly conducted and reported out of compliance with these regulations.

C. Only the ECC-Rater who performs a field verification and diagnostic test shall have signatory authority for all certificates of verification related to the field verification and diagnostic test.

i. ECC-Raters shall not use technicians who are not certified ECC-Raters to perform field verification and diagnostic testing unless said technicians are directly supervised by the ECC-Rater in person on the project site.

ii. No other person shall sign the certificates of verification other than the ECC-Rater who performed or directly supervised technicians who performed the field verification and diagnostic test.

(c) **ECC-Provider Approval.**

1. **Approval Process.** Approval as an ECC-Provider is limited to a single Triennial Code Cycle. To become an ECC-Provider, an applicant shall submit a Full Application. To continue as an ECC-Provider for a subsequent Triennial Code Cycle, a current ECC-Provider shall submit a Triennial Reapproval Application. Applications will be considered pursuant to the procedures in Section 10-110. A Full Application or a Triennial Reapproval Application may be updated as set forth in Section 10-103.3(c)6. An approved ECC-Provider may make modifications to its application as set forth in Section 10-103.3(c)7. All applications must include a statement of scope that indicates what services the applicant intends to provide to the marketplace. Upon a first-time approval of an ECC-Provider, the Energy Commission shall assign the ECC-Provider a three-digit identification number.

2. **Confidential Information.** An applicant may identify any information in its application the applicant considers confidential and request from the Commission a confidential designation as specified in Title 20, California Code of Regulations, Section 2505. If an applicant requests a designation of confidential information, the applicant shall also submit a non-confidential summary of its application.

3. **Full Application.** The Commission may approve a full application to become an ECC-Provider if the application includes each of the following:

A. **Evidence of Ability to Satisfy ECC-Provider Requirements.** Information sufficient to demonstrate, by a preponderance of the evidence, that the applicant can and will satisfy each regulatory requirement specified as the ECC-Provider Approval Process in Section 10-103.3(c)1 for the duration of their tenure as an ECC-Provider.

i. **Methods of Producing Evidence.** An applicant may evidence its ability to satisfy the ECC-Provider Requirements by providing a written strategy for how it intends to satisfy each requirement, citing examples of how it

has been able to satisfy each regulatory requirement, or by any other means of introducing evidence into the record acceptable to the Executive Director or Commission.

ii. **Disputed Evidence.** Any interested party may introduce evidence demonstrating that an applicant either cannot satisfy, or in the past has failed to satisfy, one or more regulatory requirements specified in Section 10-103.3(c)1.

B. The full legal name of the applicant is registered with the California Secretary of State.

C. The full legal name, date of birth, current residential address, and social security number of every individual with an ownership interest in and principal of the ECC-Provider applicant.

D. A complete list of any entities that have business relationships with the applicant such as parent companies, subsidiaries, affiliates, and/or any past names under which the entity has conducted business as an ECC-Provider, if applicable.

E. The Triennial Code Cycle for which the applicant intends to operate as an ECC-Provider.

F. The contact information for one or more Designated Contacts who the Commission can contact as needed.

G. Any other information relating to the applicant's ability to satisfy each regulatory requirement specified in Section 10-103.3(c)1 or specifically requested by the Executive Director or Commission.

4. **Triennial Reapproval Application.** The Commission may approve an existing ECC-Provider's application to continue as an ECC-Provider for a subsequent Triennial Code Cycle if the application includes each of the following:

A. The original Full Application for the previous cycle, any Updated Applications, including Conditions of Approval, and any Post-Approval Amendments that were submitted and/or approved.

B. All previously submitted and approved Triennial Reapproval, if any.

C. Information demonstrating that the applicant can and will satisfy each regulatory requirement not otherwise addressed in any previously approved Application, subject to the same evidentiary constraints and requirements as a Full Application.

D. Alternatively, an existing ECC-Provider may submit a full Application for the Triennial Code Cycle.

5. **Application for Remediation.**

A. An ECC-Provider that has been decertified may submit one Application for Remediation pursuant to Section 10-110 during the Triennial Code Cycle in which it was decertified.

B. An Application for Remediation shall include:

i. The original Full Application, all previously submitted and approved Triennial Reapprovals, any Updated Applications, including Conditions of Certification, and any Post-Approval Amendments that were submitted and/or approved.

ii. All correspondence concerning progressive discipline between the ECC-Provider and the Commission commencing with the notice of potential violation for each violation that led to rescinding approval.

iii. A Remediation Report and Plan explaining why each violation leading to a rescinded approval occurred and the steps that the ECC-Provider has taken to remedy past violations and prevent future violations similar to those that led to its rescinded approval.

iv. A draft Full Application that incorporates all necessary modifications to address the issues described in the Remediation Report and Plan.

C. **Basis for Approval.** The Commission may approve an Application for Remediation if the Commission finds:

i. The decertified ECC-Provider has demonstrated a good faith willingness to take feasible steps toward remediation.

ii. The decertified ECC-Provider has presented a remediation plan that can remedy past violations and prevent future violations similar to those that led to its rescinded approval.

iii. The decertified ECC-Provider has demonstrated the ability to adequately implement the remediation plan.

D. **Upon Approval.** If the decertified ECC-Provider's Application for Remediation is approved by the Commission, the decertified ECC-Provider is eligible to submit a Full Application.

E. **Upon Rejection.** If a decertified ECC-Provider's Application for Remediation is rejected by the Commission, the ECC-Provider may re-submit an Application for Remediation only with the written approval of the Executive Director or Commission.

6. **Updated Application**.

A. **Update with Executive Director's Approval.** With the written permission of the Executive Director, at any point during the Section 10-110 process, an applicant may submit an updated application, which shall be identified as an Updated Application and made available to interested parties for review and comment for at least 30 days prior to consideration by the Commission at a business meeting.

B. **Update at Commission Direction, Conditions of Approval.** The Executive Director or Commission may direct an applicant to update their application in order to address any issues or concerns raised by any interested party with respect to the applicant's ability to completely fulfill the role of ECC-Provider, including by imposing Conditions of Approval.

C. **Applicant Withdrawal and Re-submission.** Applicants who have submitted an application may withdraw their application at any time before approval and may submit a new application pursuant to this section and Section 10-110.

7. **Post-Approval Amendments.** An approved ECC-Provider shall submit a Post-Approval Amendment to the Executive Director when the ECC-Provider wishes to make a modification to their approved application or, as a result of any circumstances other than the transition to a new Triennial Code Cycle or progressive discipline pursuant to Section 10-103.3(c)3, or the application no longer accurately reflects the ECC-Provider's operations.
   A. **Process.** The ECC-Provider may submit a Post-Approval Amendment as either substantive or non-substantive. The Executive Director may determine whether a post-approval amendment is substantive or non-substantive.
   B. **Substantive.** If the Executive Director determines that a post-approval amendment is substantive, the amendment shall follow the process specified by Section 10-110 and be approved by the Commission. Substantive changes include any changes to training, certification, or oversight (including quality assurance) that would result in any impact to consumers, ECC-Raters, ECC-Rater Companies, or the ability of the ECC-Provider to comply with any requirement of Section 10-103.3(c)1.
   C. **Nonsubstantive.** If the Executive Director determines that a post-approval amendment is nonsubstantive, they may approve the amendment by informing the ECC-Provider's Designated Contact and posting the proposed post-approval amendment application. A non-substantive update is any change that is not considered a substantive update, including correcting typographical errors, modifying contact information, renaming positions or programs, and making changes that do not impact consumers, ECC-Raters, ECC-Rater Companies, or alter the ability of the ECC-Provider to comply with any requirement of Section 10-103.3(c)1.
8. **Conditions of Approval.** As a prerequisite of approval of any ECC-Provider application, the Commission may impose Conditions of Approval as the Commission deems necessary to ensure that the applicant can meet the requirements of Section 10-103.3(c)1 if approved. If the Commission imposes Conditions of Approval, the Commission may require the applicant to demonstrate that the applicant will satisfy each Condition of Approval prior to approval. Violating a Condition of Approval imposed by the Commission shall constitute a violation of these regulations and may result in disciplinary action, up to and including rescinding of approval.
9. **Executive Director Rejection of Decertified ECC-Provider's Application.**
   A. The Executive Director may reject any application if the Executive Director determines the applicant is an ECC-Provider that has previously been decertified, or is a successor, subsidiary, or otherwise affiliated or substantially similar organization to an ECC-Provider that has previously been decertified, and that has not completed the Application for Remediation process pursuant to Section 10-103.3(c)5.
   B. An applicant may appeal the Executive Director's decision to reject its application to the full Commission pursuant to Section 10-103.3(h). The applicant shall establish that it is not a decertified ECC-Provider, successor, subsidiary, or otherwise affiliated or similar organization to a decertified ECC-Provider.
   C. **Minimum Evidentiary Requirements.** At a minimum, an appeal from rejection shall demonstrate that the applicant and decertified ECC-Provider have dissimilar and unrelated owners, shareholders (if applicable), executive management, employees, physical assets, intangible assets, intellectual property, business practices, registered organization names, branding, marketing materials, and trademarks.
   D. **Final Agency Action.** If the Commission determines that the applicant has failed to demonstrate it is not a decertified ECC-Provider, or any successor, subsidiary, or otherwise affiliated or substantially similar organization to a decertified ECC-Provider, the Commission may deem the applicant a decertified ECC-Provider ineligible to apply until the applicant has completed remediation or specify when the applicant may re-submit an application. The period of time before re-submittal may not exceed three years from when the appeal was submitted.

(d) **ECC-Provider Responsibilities.**

1. **ECC-Rater Training.** For each Triennial Code Cycle, ECC-Providers shall provide training to existing ECC-Raters and new ECC-Rater applicants. The ECC-Provider may also provide this training for prior Triennial Code Cycles. To fulfill the training requirements (Section 10-103.3(d)), an ECC-Provider shall confirm that an ECC-Rater applicant has completed a training curriculum that covers all information necessary to perform all FV&DTs in accordance with the applicable Building Energy Efficiency Standards and passed all associated tests. Alternatively, if offered by the ECC-Provider, an existing ECC-Rater may apply for approval without completing an ECC-Provider's training curriculum by passing a challenge test, which is a comprehensive test of advanced FV&DT technical knowledge that verifies the ECC-Rater applicant has sufficient knowledge necessary to perform FV&DT in accordance with the applicable Building Energy Efficiency Standards. The Commission shall approve all training materials under the full training curriculum and challenge test as part of the ECC-Provider's application (Section 10-103.3(b)).
   A. **Training and testing curriculum.** An ECC-Provider's training curriculum for ECC-Rater applicants must include the following:
      i. **Building Energy Efficiency Standards mandatory subject areas.** The training curriculum shall instruct ECC-Raters how to perform FV&DT as set forth in the following Building Energy Efficiency Standards, Reference Appendices:
         a. RA1: Alternative Residential Field Verification and Diagnostic Test Protocols.
         b. RA2: Residential Verification, Testing, and Documentation Procedures.

c. RA3: Residential Field Verification and Diagnostic Test Protocols.
d. RA4: Eligibility Criteria for Energy Efficiency Measures.
e. NA1: Nonresidential Verification, Testing, and Documentation Procedures.
f. NA2: Nonresidential Field Verification and Diagnostic Test Procedures.

ii. **Other mandatory subject areas.** The training curriculum shall inform ECC-Rater applicants about:
a. The roles and responsibilities of all entities regulated by Section 10-103.3 and in the Building Energy Efficiency Standards, Reference Appendices RA1, RA2, RA3, RA4, NA1, NA2, and JA7.
b. Energy Code nomenclature that designates building types, dwelling units, systems, and compliance methods.
c. Basic building science concepts, including:
i. Principles of heat transfer.
ii. Energy conservation features.
iii. Framing, fenestration, insulation, and other built or installed features.
iv. Energy consuming appliances.
v. Types of space conditioning and ventilating systems.
vi. Types of water heating systems.
vii. Categories of lighting systems and lighting controls.
viii. Energy generating and storage systems.
ix. Energy efficiency effects of building characteristics.
d. Worksite safety.
i. Personal protective equipment and appropriate dress.
ii. Communication with site management personnel.
iii. Awareness of site hazards (including asbestos, fall risks, lifted loads, confined spaces, vehicles, powered equipment and tools, pressurized vessels and pipes, electrical terminals and fixtures, etc.), occupants in the dwelling unit, and escape routes.
iv. Site security.
v. Other practices, not limited to those relevant to home energy testing and verification procedures and equipment.
e. Instrumentation.
i. Diagnostic devices used in the measurement of, but not limited to, duct leakage testing, dwelling unit leakage (blower doors), system air flow and pressure, and refrigerant pressure and temperature.
ii. Accuracy and tolerance.
iii. Calibration requirements.
f. Equipment certification.
i. Overview of manufacturer-certified equipment ratings.
ii. When and why certification applies for verification.
iii. Where to find specified certifications and ratings.
g. Compliance document and registration.
i. Building Energy Efficiency Standards regulations, associated testing protocols, and the corresponding forms for data entry.
ii. Documentation workflow and data input.
iii. Form logic and validation.
iv. Group sampling.
h. Professionalism and conduct when working with various trades, owners, and other site personnel.
i. Resources available on the Commission website related to the Building Energy Efficiency Standards.
j. Progressive discipline of ECC-Raters (Section 10-103.3(d)7) and the appeal process (Section 10-103.3(h)).
k. Quality assurance process (Section 10-103.3(d)5).
l. Conflict of interest requirements (Section 10-103.3(b)1).
m. Prohibition on False, Inaccurate, or Incomplete Information (Section 10-103.3(b)2).

iii. **Classroom Training.** Classroom training shall include an electronic or hardcopy manual for each student and comply with the following requirements:
a. Classroom training may be provided online or in person and may be taught by an in-person instructor, an online instructor or online proctoring software as provided in Section 10-103.3(d)1Aviii.

b. When administered online, the modules must be naturally paced, recorded, and played back no faster than 100 percent speed. Modules must require occasional student interaction not limited to brief quizzes to progress through topics and encourage engagement with the platform.

c. Classroom training may include pre-recorded video instructions but must not solely rely on pre-recorded videos.

d. Classroom training may use mock tests or exams, but mock tests or exams may not be used to comply with the Tests and Exams requirements in Section 10-103.3(d)1Avi.

iv. **Instructional Materials.**

a. The materials shall address all topics listed in Sections 10-103.3(d)1Ai and 10-103.3(d)1Aii.

b. Materials that are presented in a slideshow format must be accompanied by a script or detailed outline that explains the narrative and the purpose of each visual.

c. Slide text and graphics must be legible.

d. Governmental logos must not appear on class materials (including course descriptions, web pages, slides, videos, handouts, and manuals) unless the department, office, or agency has given permission to do so, and then only if usage adheres to respective guidelines. The logo may appear without express permission on official publications whether distributed in whole or in part.

v. **Laboratory Training.** Laboratory training shall cover all FV&DT procedures listed in Building Energy Efficiency Standards, Reference Appendices RA1, RA2, RA3, RA4, NA1, and NA2 and comply with the following requirements:

a. All laboratory training facilities shall be designed to provide consistent and repeatable practical training exercises and be approved in advance by the Commission.

b. Laboratory training shall be conducted in a controlled space with appropriate safety measures such as proper ventilation, safe egress, appropriate lighting, and fire response systems. Laboratory training must not be conducted in an occupied residence.

c. All laboratory training shall be in person and be supervised by an instructor with no more than ten students to one instructor. Laboratory instruction shall include an electronic or hardcopy manual for each student.

d. Any equipment necessary to complete the laboratory training shall be available to students at a ratio of no greater than one test equipment per five students. Each student shall perform the laboratory training independently with full access to the necessary equipment.

vi. **Written test.** An ECC-Rater applicant shall take a written test, offered by an ECC-Provider, to confirm the applicant's understanding of all mandatory training information specified in Sections 10-103.3(d)1Ai and 10-103.3(d)1Aii. Tests shall only be used to verify the knowledge of ECC-Rater applicants and may not be used for training purposes. ECC-Providers shall retain all results for five years from the date of the test. The written test shall comply with all of the following:

a. Be online using proctoring software (Section 10-103.3(d)1Avii) or in person using a live proctor.

b. Consist of between 10 and 100 questions per subject area specified in Sections 10-103.3(d)1Ai and 10-103.3(d)1Aii.

c. Require a passing score of no less than 70 percent.

d. Be approved by the Commission at the time of ECC-Provider application (Section 10-103.3(c)1).

vii. **Practical test.** ECC-Rater applicants shall take a practical test offered by an ECC-Provider to demonstrate competence in all subjects specified in Sections 10-103.3(d)1Ai and 10-103.3(d)1Aii as they apply to the performance of FV&DT procedures. The ECC-Provider shall retain all results for five years from the date of the test. The practical test shall comply with the following:

a. All practical tests shall be performed in any Commission approved facility as required by the Laboratory Training Requirements in Section 10-103.3(d)1Aiv.

b. All practical tests shall be in-person only using a live proctor with no more than five test takers to one proctor.

c. Any equipment required to complete the practical test shall be made available to each test taker. Test takers shall not work in teams to complete any portion of the practical test.

d. All practical tests shall be approved by the Commission by demonstration during the application process (Section 10-103.3(c)1).

viii. **Proctoring Software.** Any proctoring software or learning management system that includes proctoring features used for training and exams shall be approved in advance by the Commission and comply with the following:

a. Proctoring software for training or exams must be time limited.

b. Proctoring software shall monitor the computer desktop, webcam video, and audio of the individual completing the training or exam. The proctoring software, including any interactions with a proctoring

service, shall take reasonable steps to detect the use of prohibited outside resources on the exam, and return a failing grade if the use of prohibited outside resources are in fact detected.

B. **Challenge Test.** An ECC-Provider may also offer challenge testing that evaluates competence in all subjects specified in Sections 10-103.3(d)1Ai and 10-103.3(d)1Aii. If a challenge test is used it must comply with the following requirements:

i. Only an ECC-Rater with a current and valid certification shall be eligible to sit for a challenge test. ECC-Raters with a suspended certification are not eligible.

ii. The challenge test shall include a written test to be taken using a live proctor.

iii. The challenge test shall include no less than 100 and no more than 1,000 questions prepared by the ECC-Provider.

iv. The challenge test shall comply with all requirements in Section 10-103.3(d)1Avi.

C. **Training and Testing for Subsequent Triennial Code Cycle Updates.** An ECC-Provider shall provide training to previously certified ECC-Raters on changes made during any Triennial Code Cycle update that would affect the performance of field verification and diagnostic testing, including changes that would trigger testing or in testing procedures. The Triennial Code Cycle Update training and testing shall comply with all Section 10-103.3(d)1A requirements. ECC-Providers may offer a challenge test in compliance with Section 10-103.3(d)1B. Laboratory training (Section 10-103.3(d)1Aiv) and practical testing (Section 10-103.3(d)1Avii) shall only be required if changes made during any Triennial Code Cycle include modifications or new diagnostic test procedures or field verifications.

2. **ECC-Rater Certification.**

A. **Certification Requirements.** Certification as an ECC-Rater is limited to a single Triennial Code Cycle. The ECC-Provider shall record each Triennial Code Cycle for which an individual ECC-Rater has been certified to provide field verification and diagnostic test services. For each Triennial Code Cycle, an ECC-Provider shall certify an eligible ECC-Rater applicant who meets the minimum requirements for an ECC-Rater, as verified by the ECC-Provider, and completes and passes all training requirements. Prior to certification, an ECC-Provider shall advise the ECC-Rater applicant on the required conduct for ECC-Raters in Section 10-103.3(e), the progressive discipline requirements in Section 10-103.3(d)7, and the appeal process in Section 10-103.3(h).

B. **Certification Agreement.** Prior to certification, the ECC-Provider shall ensure that the applicant signs the ECC-Rater Agreement with the ECC-Provider, in which the ECC-Rater shall agree, at minimum, to comply with all applicable laws and regulations, including the requirements provided in Section 10-103.3, and shall maintain a copy of the signed agreement.

C. **Eligibility.** An ECC-Rater is eligible if they have not been prohibited from practicing by the Executive Director or Commission pursuant to Section 10-103.3(g)1.

D. The ECC-Provider shall maintain a list of all certified ECC-Raters with the following information:

i. First and last name.

ii. Business contact information.

a. Phone.

b. Address.

c. Email.

iii. Certification status, limited to Certified-Active, Exemplary-Active, notice of violation, Probation, Suspended, Decertified, Inactive.

3. **ECC-Rater Company Training.** For each Triennial Code Cycle, the ECC-Provider shall develop and maintain a course of training to summarize the responsibilities of the ECC-Rater Company in the performance of field verifications and diagnostic testing as prescribed in Section 10-103.3(d)3. The ECC-Rater Company training may not exceed 8 hours in duration. All training materials shall be approved by the Commission as part of the ECC-Provider's application (Section 10-103.3(c)1). An ECC-Provider's training curriculum for ECC-Rater Company applicants must, at minimum, include all of the following:

A. A summary of the training curriculum for ECC-Rater applicants provided in Section 10-103.3(d)1.

B. Information regarding the following:

i. The roles and responsibilities of all entities regulated by Section 10-103.3 and in the Building Energy Efficiency Standards, Reference Appendices RA1, RA2, RA3, RA4, NA1, NA2, and JA7.

ii. Discipline procedure for ECC-Raters (Section 10-103.3(d)7) and ECC-Rater Companies (Section 10-103.3(d)8), and the appeal process (Section 10-103.3(h)).

iii. Quality assurance process (Section 10-103.3(d)5).

iv. Conflict of interest requirements (Section 10-103.3(b)1).

v. Prohibition on False, Inaccurate, or Incomplete Information (Section 10-103.3(b)2).

4. **ECC-Rater Company Certification.**

A. **Certification Requirements.** An ECC-Provider shall certify an eligible ECC-Rater Company applicant that meets the minimum requirements for an ECC-Rater Company, as verified by the ECC-Provider, and completes and passes all training requirements. Prior to certification, an ECC-Provider shall advise the ECC-Rater Company applicant on the

required conduct for ECC-Rater Companies in Section 10-103.3(f)2, the discipline requirements in Section 10-103.3(d)8 and the appeal process in Section 10-103.3(h).

B. **Certification Agreement.** The ECC-Rater Company applicant shall sign the ECC-Rater Company agreement with the ECC-Provider in which the ECC-Rater Company shall agree, at minimum, to comply with all applicable laws and regulations, including the requirements provided in this Section 10-103.3.

C. **Public List.** ECC-Providers shall maintain a publicly available list of certified ECC-Rater Companies.

D. **Eligibility.** An ECC-Rater Company is eligible if it meets the minimum qualifications enumerated in Section 10-103.3(f)1B and has not been prohibited from practicing by the Executive Director or Commission pursuant to Section 10-103.3(g)2.

E. After its initial certification, an ECC-Rater Company does not need to complete the training curriculum again or be recertified for each Triennial Code Cycle as long as it maintains its eligibility under Section 10-103.3(f)1B.

F. The ECC-Provider shall maintain a list of all certified ECC-Raters Companies with the following information:

i. First and last name of certified primary.

ii. ECC-Rater Company name.

iii. Business contact information.

a. Phone.

b. Address.

c. Email.

iv. Certification status, limited to Certified-Active, Exemplary-Active, notice of violation, Probation, Suspended, Decertified, Inactive.

G. The ECC-Provider shall maintain any Declarations of ECC-Rater Company Separation of Services (Section 10-103.3(f)2Diii) in the ECC-Provider data registry such that it is accessible for verification by the Energy Commission and local enforcement agencies.

5. **Quality Assurance.** An ECC-Provider shall maintain a quality assurance program to ensure appropriate oversight of the ECC-Raters it certifies. This program shall, at a minimum, include the following:

A. **Quality Assurance Staff.** ECC-Providers shall maintain the necessary qualified staff to ensure a functioning quality assurance program that includes, at a minimum, performing the types of quality assurance reviews listed in Section 10-103.3(d)5 on ECC-Raters. Any form of audit is subject to the same standards of required conduct as any other field verifications and diagnostic tests and is also subject to Quality Assurance review. Quality Assurance staff may not include active ECC-Raters.

B. **Exemplary ECC-Rater.** An ECC-Rater is designated as an "Exemplary ECC-Rater" once the ECC-Rater has been (1) continuously certified as an ECC-Rater for a minimum of 5 years and (2) confirmed for designation by the applicable ECC-Provider after passing all required quality assurance audits within a 12-month period, including at least one annual quality insulation installation (QII) shadow audit and one desk audit.

i. The ECC-Provider shall immediately revoke this designation for any audit failure or the failure to be recertified as an ECC-Rater in any subsequent Triennial Code Cycle.

ii. This designation, once obtained, may be included in marketing materials. If this designation is revoked, it shall be removed from marketing materials within 10 business days.

C. **Types of Quality Assurance Review.** Quality Assurance Review shall take the form of onsite, shadow, and desk audits.

i. **Onsite Audits.** The ECC-Provider performs an onsite audit following field verification and diagnostic testing by an ECC-Rater it certified. Onsite audits are performed at the invitation of the homeowner through the complaint process, at the request of the Commission, or at the discretion of the ECC-Provider. Every year, at least one onsite audit shall be performed by the ECC-Provider for each ECC-Rater it has certified, either at random or as directed above. For Exemplary ECC-Raters, the minimum onsite audit frequency shall be reduced from once per year to once per Triennial Code Cycle. The audit results shall be included in the annual reporting to the Commission (Section 10-103.3(d)11E) or provided in response to a request by the Commission. Onsite audits shall comply with the following:

a. Onsite audits must not be performed in the presence of the ECC-Rater and can be performed any time after the ECC-Rater has left the project site.

b. ECC-Raters must not be informed that their field verification and diagnostic test is receiving an onsite audit until the onsite audit is complete and the results are documented.

c. At a minimum, onsite audits shall include all of the following:

(i) A verification of correctly completed certificates of installation (if the ECC-Rater is acting as the Authorized Representative under Section 10-103(a)3A) and verification (Section 10-103(a)4) for the project.

(ii) Performance of the field verification and diagnostic test that was performed by the ECC-Rater.

d. A passing result shall include the following at a minimum:
   (i) Correct and completed certificates of installation (if the ECC-Rater is signature authorized under Section 10-103(a)3A) and verification (Section 10-103(a)4) for the project free from false, inaccurate, or incomplete information.
   (ii) All field verification and diagnostic test audit results that include a field test or measurement must pass as required in the Building Energy Efficiency Standards, Reference Appendices RA1, RA2, RA3, RA4, NA1, and NA2.

e. Onsite audits shall be performed when an ECC-Provider is investigating a complaint from a homeowner about a field verification and diagnostic test.

f. Onsite audits shall be performed for every 100 dwelling units or single-family residences (or both in combination) in a single development constructed by a single developer that make use of the sample-group provisions (Building Energy Efficiency Standards, Reference Appendix RA 2.6) beginning with the hundredth dwelling unit or single-family residence. Nothing in this provision shall require that any dwelling unit in any sample-group remain open beyond the requirements in Building Energy Efficiency Standards, Reference Appendix RA 2.6. These onsite audits shall comply with the following:
   (i) The ECC-Provider shall perform the onsite audit at an untested home and a tested home.
   (ii) If the ECC-Provider is refused access to the development, all sample-groups for the development will be considered conflicted data (Section 10-103.3(b)1B).
   (iii) At the discretion of an ECC-Provider, this onsite audit may also be used to satisfy the requirements for an onsite audit as required by Section 10-103.3(d)5Ci (Onsite Audits) or, if applicable, Section 10-103.3(d)5Cii (Shadow Audits) for an ECC-Rater.
   (iv) A failed onsite audit of the tested dwelling unit shall constitute a failed onsite audit for the ECC-Rater. A failed onsite audit of either the tested or untested dwelling unit shall be recorded in the ECC-Provider's quality assurance database (Section 10-103.3(d)9B). A failed onsite audit of either the tested or untested dwelling unit shall be reported to the developer, ECC-Rater, and ECC-Rater Company as soon as is possible. Failed onsite audits of dwelling units within a sample-group shall not be deemed to fail or impact in any way the compliance status of the sample-group.

g. If the ECC-Provider is refused access to the development, the ECC-Rater may be subject to investigation and disciplinary action at the discretion of the ECC-Provider. The onsite results shall be documented by the ECC-Provider, provided to the ECC-Rater and ECC-Rater Company, provided to the homeowner, and recorded in the ECC-Provider's quality assurance database (Section 10-103.3(d)9B).

h. If the onsite audit reveals the ECC-Rater did not accurately perform the field verification and diagnostic test or accurately collect or report data, the ECC-Provider shall initiate disciplinary action (Section 10-103.3(d)7).

i. Onsite audits shall include the use of photographic evidence to be recorded in the ECC-Provider data registry as provided in Building Energy Efficiency Standards, Reference Appendix JA7.5.6.3.

ii. **Shadow Audits.** A shadow audit requires the ECC-Provider to audit the ECC-Rater as they perform a Quality Insulation Installation field verification (Building Energy Efficiency Standards, Reference Appendix RA3.5). The ECC-Provider's auditor shall observe and may not aid the ECC-Rater during the shadow audit. All ECC-Raters shall receive a shadow audit for QII once per year. For Exemplary ECC-Raters, the shadow audit frequency shall be reduced from once per year to once per Triennial Code Cycle. A shadow audit shall also be performed if requested by the Commission or at the discretion of the ECC-Provider. Shadow audits shall comply with the following:

a. The ECC-Rater shall be informed of the shadow audit for scheduling purposes and the ECC-Provider's auditor will explain their presence to the homeowner. The homeowner may grant entry to the auditor. If entry is refused, the ECC-Provider shall reschedule the shadow audit.

b. For newly constructed buildings, the developer or contractor shall not refuse a shadow auditor if sampling is being used on the development. If the auditor is refused entry, the data registry will not accept sample-based compliance documents from the developer, contractor, or ECC-Rater regarding the project.

c. Shadow audits are limited to QII verifications where the ECC-Rater shall make the necessary observations and record results.

d. Reserved.

e. The shadow audit results shall be documented by the ECC-Provider, provided to the ECC-Rater and ECC-Rater Company, and recorded in the ECC-Provider's quality assurance database (Section 10-103.3(d)9B).

f. If the shadow audit reveals the ECC-Rater did not accurately perform the QII test or accurately collect or report data, the ECC-Provider shall initiate disciplinary action (Section 10-103.3(d)7).

iii. **Reserved.**

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iv. **Desk Audits.** Desk audits consist of an ECC-Provider using registered compliance documents within an ECC-Provider data registry to evaluate an ECC-Rater's Certificates of Compliance (Section 10-103(a)), Certificates of Installation (Section 10-103(b), and Certificates of Verification (Section 10-103(d)) for consistency and accuracy. ECC-Providers shall perform desk audits of all certified ECC-Raters at least once per year and as directed by the Commission or at the discretion of the ECC-Provider. For Exemplary ECC-Raters, the desk audit frequency shall be reduced from once per year to once per Triennial Code Cycle. Desk audits shall comply with the following:

a. ECC-Providers shall develop and document a maximum variance for each data entry point for each field verification and diagnostic test.

b. ECC-Providers shall identify a project to audit where the ECC-Rater provided field verification and diagnostic test services. The ECC-Provider shall collect all compliance documents associated with the project as necessary to audit the field verifications and diagnostic tests performed by the ECC-Rater at the project site and may contact outside authorities, such as the local building authority with jurisdiction over the project.

c. The ECC-Provider shall confirm the measurements, calculations, and other information obtained during field verifications and diagnostic tests at the project are within expected tolerances.

d. The ECC-Provider shall compare the field verification and diagnostic test results from the project site to no less than 20 other field verification and diagnostic test results performed by the same ECC-Rater on other project sites prior to the audited project. If the comparison suggests the subject project results could have been copied from prior project sites, the ECC-Provider shall investigate further to determine if results were falsified or otherwise inaccurate.

e. The desk audit results shall be documented by the ECC-Provider, provided to the ECC-Rater and ECC-Rater Company, and recorded in the ECC-Provider's quality assurance database (Section 10-103.3(d)9B).

f. If the desk audit shows that the ECC-Rater did not accurately perform the field verification and diagnostic test or accurately collect or report data, the ECC-Provider shall initiate disciplinary action (Section 10-103.3(d)7).

D. **Remedy for Flawed Field Verification and Diagnostic Tests.**

i. A flawed field verification and diagnostic test is any field verification and diagnostic test that is inconsistent with an audit, or that is otherwise determined by the Executive Director, the Commission, or the ECC-Provider to be untrue or inaccurate.

ii. The ECC-Rater or ECC-Rater Company is responsible for remedying any flawed field verification and diagnostic tests identified by audit or by any other means.

iii. A flawed field verification and diagnostic test is remedied by providing an additional field verification and diagnostic test to the hiring party that corrects the untrue or inaccurate reporting.

E. **Payment of Fees; Proportionality.** As part of their contractual arrangements with ECC-Raters, ECC-Providers may charge a Quality Assurance fee. The entirety of any Quality Assurance fee may only be used by the ECC-Provider to fund Quality Assurance activities.

6. **Queries and Complaints.**

A. **Public Queries and Complaints.** ECC-Providers shall have a system for receiving queries and complaints from consumers, ECC-Raters, ECC-Rater Companies, authorities having jurisdiction, and the general public. The ECC-Provider shall respond to, investigate, and resolve queries and complaints related to field verification and diagnostic testing in a timely manner. ECC-Providers shall ensure the ECC-Raters they certify inform field verification and diagnostic testing service recipients about the query and complaint system. ECC-Providers shall retain all records of queries and complaints, the corresponding investigation, and the response for a minimum of 5 years from receipt of the query or complaint. ECC-Providers shall annually report to the Commission a summary of all queries, complaints, and actions taken over the last 12 months. The Queries and Complaints Annual Summary shall include all of the following for each query or complaint received:

i. A tracking number identifying each query or complaint in the ECC-Provider queries and complaints tracking system.

ii. The name and contact phone or email of the person(s) submitting the query or complaint.

iii. A summary of the query or complaint.

iv. A summary of the results of the ECC-Provider investigation and related actions.

v. A summary of the resolution of the query or complaint.

B. **Commission-Initiated Queries and Complaints.** The Commission may direct an ECC-Provider to investigate any queries related to the performance of the FV&DT program. An ECC-Provider shall respond within 30 days of receiving a Commission direction to investigate a query.

C. **ECC-Rater and ECC-Rater Company-Initiated Queries and Complaints.** ECC-Providers shall have a system for ECC-Raters and ECC-Rater Companies to report potential violations of these regulations by ECC-Raters, ECC-Rater Companies, and ECC-Providers.

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7. **ECC-Rater Discipline.** If an ECC-Rater violates these regulations, including but not limited to the failure to perform accurate and complete field verification and diagnostic tests, the ECC-Provider shall take the following disciplinary steps to address and correct the noncompliance. In the event of a severe violation, however, the ECC-Provider shall proceed immediately to the suspension step for the first severe violation and to the decertification step for a second severe violation. A severe violation of these regulations includes knowingly creating false field verification or diagnostic testing documents, any violation involving criminal activity, coordinating or participating in an organized scheme to violate these regulations, or a demonstrated pattern of violating these regulations. The ECC-Provider and ECC-Rater may extend, by written agreement, the time for response, reply, and final determination for each step below. At any time, the Executive Director may direct an ECC-Provider to investigate an ECC-Rater or discipline an ECC-Rater pursuant to Sections 10-103.3(d)7A through 10-103.3(d)7D.
   A. **Step 1: Notice of Violation.** Upon identification of one or more violations of these regulations by an ECC-Rater, the ECC-Provider shall issue a notice of violation to the ECC-Rater and any ECC-Rater Companies for which the ECC-Rater performs FV&DT services. The ECC-Rater Company or Independent Rater shall notify the affected homeowner and show proof of such notice to the ECC-Provider. Within 3 months of issuance of the Notice of Violation, the ECC-Provider will perform a desk audit (Section 10-103.3(d)5Civ) on the ECC-Rater.
      i. The ECC-Provider shall require the ECC-Rater take additional training or other corrective action related to the violations within a specified timeframe.
      ii. The ECC-Provider shall inform the ECC-Rater of their responsibilities for the following: the ECC-Rater shall be responsible for the costs of quality assurance testing and additional training for the violations, and the ECC-Rater shall be responsible for the costs to the property owner for the original field verification and diagnostic test and any necessary retesting because of the violations. The ECC-Provider shall not be responsible for any costs related to flawed field verification and diagnostic test as performed by the ECC-Rater.
      iii. The notice of violation shall be in writing and include a description of the regulatory requirements and violations, the date and approximate time of the violations, the parties affected by the violations, any corrective action the ECC-Rater shall take, any costs the ECC-Rater shall reimburse, the timeframe for complying with all requirements of the notice of violation.
      iv. The ECC-Rater will have 10 days of receipt of the notice of violation to respond in writing. If the ECC-Provider receives a response, the ECC-Provider shall acknowledge the response and, within 10 days, request additional information needed from the ECC-Rater. The ECC-Rater shall have 10 days to provide additional information to the ECC-Provider. Within 30 days of the date of the notice of violation or within 20 days of receiving a response or additional information from the ECC-Rater, whichever is later, the ECC-Provider shall provide a final determination of a violation to the ECC-Rater, any affected homeowners, and any ECC-Rater Company for which the ECC-Rater performs field verification and diagnostic testing services. The violation shall not be effective until the ECC-Rater has exhausted the right to request reconsideration by the ECC-Provider or until the time to exercise that right has lapsed (Section 10-103.3(d)7Aiv).
   B. **Step 2: Probation.** If an ECC-Rater fails to comply with a notice of violation within the specified timeframe or receives a second notice of violation within a three-month period, the ECC-Provider shall issue a notice to the ECC-Rater and any ECC-Rater Company for which the ECC-Rater performs field verification and diagnostic testing services, placing the ECC-Rater on probation for up to six months.
      i. While on probation, the ECC-Rater shall be required to retake the training for both written and laboratory (Section 10-103.3(d)1Ai and Section 10-103.3(d)1Aii) and pass the required testing (Section 10-103.3(d)1Av and Section 10-103.3(d)1Avi) related to the violated regulations.
      ii. The notice shall be in writing and include a description of the regulatory requirements and violations, the date and approximate time of the violations, the parties affected by the violations, any corrective action the ECC-Rater must take, any costs the ECC-Rater must reimburse, and the timeframe for complying with all requirements of the notice of violation.
      iii. The ECC-Rater will have 10 days of receipt of the notice of probation to respond in writing. If the ECC-Provider receives a response, the ECC-Provider shall acknowledge the response and, within 10 days, request additional information needed from the ECC-Rater. The ECC-Rater shall have 10 days to provide additional information to the ECC-Provider. Within 30 days of the date of notice of probation or within 20 days of receiving a response or additional information from the ECC-Rater, whichever is later, the ECC-Provider shall provide a final determination of probation to the ECC-Rater and any affected ECC-Rater Company. The terms of probation shall last no more than six months and shall not be effective until the ECC-Rater has exhausted the right to request for reconsideration by the ECC-Provider or until the time to exercise that right has lapsed (Section 10-103.3(d)7Biii).
   C. **Step 3: Suspension.** If an ECC-Rater fails to fully comply with the terms of probation or receives a new notice of violation while on probation, the ECC-Provider shall issue a notice to the ECC-Rater and any ECC-Rater Company for which the ECC-Rater performs field verification and diagnostic testing services.
      i. The notice of suspension shall be in writing and include the basis for suspension, duration of suspension, and all corrective action the ECC-Rater must complete during suspension.
      ii. The ECC-Rater shall have 10 days of receipt of the notice of suspension to respond in writing. If the ECC-Provider receives a response, the ECC-Provider shall acknowledge the response and, within 10 days, request additional information needed from the ECC-Rater. The ECC-Rater shall have 10 days to provide additional information to

the ECC-Provider. Within 30 days of the date of the notice of suspension or within 20 days of receiving a response or additional information from the ECC-Rater, whichever is later, the ECC-Provider shall provide a final determination of suspension to the ECC-Rater and any ECC-Rater Company for which the ECC-Rater performs field verification and diagnostic testing services. The suspension shall not be effective until the ECC-Rater has exhausted their right to appeal pursuant to Section 10-103.3(h) or until the time to exercise their right to appeal has lapsed.

iii. Once the suspension becomes effective, the ECC-Provider shall prohibit the ECC-Rater from submitting any new compliance documents (Section 10-103) or otherwise accessing the ECC-Provider data registry until the suspension has ended.

D. **Step 4: Decertification.** If an ECC-Rater fails to comply with the terms of suspension or receives a new notice of violation while suspended or while a notice of suspension is pending, the ECC-Provider shall issue a notice of decertification to the ECC-Rater and any ECC-Rater Company for which the ECC-Rater performs field verification and diagnostic testing services.

i. The notice of decertification shall be in writing and include the basis for decertification.

ii. The ECC-Rater will have 10 days of receipt of the notice of decertification to respond in writing. If the ECC-Provider receives a response, the ECC-Provider shall acknowledge the response and, within 10 days, request additional information needed from the ECC-Rater. The ECC-Rater shall have 10 days to provide additional information to the ECC-Provider. Within 30 days of the date of the notice of decertification or within 20 days of receiving a response or additional information from the ECC-Rater, whichever is later, the ECC-Provider shall provide a final determination on proceeding with decertification to the ECC-Rater and any ECC-Rater Company for which the ECC-Rater performs field verification and diagnostic testing services. The decertification shall not be effective until the ECC-Rater has exhausted their right to appeal pursuant to Section 10-103.3(h) or until the time to exercise their right to appeal has lapsed.

8. **ECC-Rater Company Discipline.** If an ECC-Rater Company violates these regulations, the ECC-Provider shall take the following disciplinary steps to address and correct the noncompliance. However, in the event of a severe violation, the ECC-Provider shall proceed immediately to the suspension or decertification step. A severe violation of these regulations includes knowingly creating false field verification or diagnostic testing documents, any violation involving criminal activity, coordinating or participating in an organized scheme to violate these regulations, or a demonstrated pattern of violating these regulations. The ECC-Provider and ECC-Rater Company may extend, by written agreement, the time for response, reply, and final determination for each step below. At any time, the Executive Director may direct an ECC-Provider to investigate an ECC-Rater Company or discipline an ECC-Rater Company pursuant to Section 10-103.3(d)8.

A. **Step 1: Notice of Violation.** Upon identification of one or more violations of these regulations by an ECC-Rater Company, the ECC-Provider shall issue a notice of violation to the ECC-Rater Company and any affected homeowners.

i. The ECC-Provider may require the ECC-Rater Company to take additional training or other corrective action related to the violations within a specified timeframe.

ii. The ECC-Provider shall inform the ECC-Rater Company of their responsibilities for the following: the ECC-Rater Company shall be responsible for the costs of quality assurance testing and additional training for the violations, and the ECC-Rater Company shall be responsible for the costs to the property owner for the original field verification and diagnostic test and any necessary retesting because of the violations. The ECC-Provider shall not be responsible for any costs related to flawed field verification and diagnostic test as performed by the ECC-Rater employed by the ECC-Rater Company.

iii. The notice of violation shall be in writing and include a description of the regulatory requirements and violations, the date and approximate time of the violations, the parties affected by the violations, any corrective action the ECC-Rater Company must take, any costs the ECC-Rater Company must reimburse, and the timeframe for complying with all requirements of the notice of violation.

iv. The ECC-Rater Company will have 10 days of receipt of the notice of violation to respond in writing. If the ECC-Provider receives a response, the ECC-Provider shall acknowledge the response and, within 10 days, request additional information needed from the ECC-Rater Company. The ECC-Rater Company shall have 10 days to provide additional information to the ECC-Provider. Within 30 days of the date of the notice of violation or within 20 days of receiving a response or additional information from the ECC-Rater Company, whichever is later, the ECC-Provider shall provide a final determination of a violation to the ECC-Rater Company within 30 days. The violation shall not be effective until the ECC-Rater Company has exhausted its right to request reconsideration by the ECC-Provider or until the time to exercise that right has lapsed (Section 10-103.3(d)8Aiv).

B. **Step 2: Probation.** If an ECC-Rater Company fails to complete all corrective actions and reimburse all costs specified for a violation within the required timeframe or receives two violations within a three-month period, the ECC-Provider shall issue a notice of probation to the ECC-Rater Company.

i. The notice of probation shall be in writing and include the basis for probation, the duration of probation, and all corrective action the ECC-Rater Company must complete during probation.

ii. The ECC-Rater Company will have 10 days of receipt of the notice of probation to respond in writing. If the ECC-Provider receives a response, the ECC-Provider shall acknowledge the response, and, within 10 days, request additional information needed from the ECC-Rater Company. The ECC-Rater Company shall have 10 days to

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provide additional information to the ECC-Provider. Within 30 days of the date of notice of probation or within 20 days of receiving a response or additional information from the ECC-Rater, whichever is later, the ECC-Provider shall provide a final determination of probation to the ECC-Rater Company. The terms of probation shall last no more than six months and shall not be effective until the ECC-Rater Company has exhausted its right to request reconsideration by the ECC-Provider or until the time to exercise that right has lapsed (Section 10-103.3(d)8Bii).

C. **Step 3: Suspension.** If an ECC-Rater Company fails to fully comply with the terms of probation or receives a new notice of violation while on probation, the ECC-Provider shall issue a notice of suspension to the ECC-Rater Company.

i. The notice of suspension shall be in writing and include the basis for suspension, the duration of suspension, and all corrective action the ECC-Rater Company must complete during suspension.

ii. During suspension, the ECC-Provider will disable access to its registry for all ECC-Raters of the ECC-Rater Company.

iii. The ECC-Rater Company will have 10 days of receiving the notice of suspension to respond in writing. If the ECC-Provider receives a response, the ECC-Provider shall acknowledge the response and, within 10 days, request additional information needed from the ECC-Rater Company. The ECC-Rater Company shall have 10 days to provide additional information to the ECC-Provider. Within 30 days of the date of the notice of suspension or 20 days of receiving a response or additional information from the ECC-Rater, whichever is later, the ECC-Provider shall provide a final determination of suspension. The suspension shall not be effective until the ECC-Rater Company has exhausted its right to appeal pursuant to Section 10-103(h) or until the time to exercise its right to appeal has lapsed.

D. **Step 4: Decertification.** If an ECC-Rater Company fails to comply with the terms of suspension or receives a new notice of violation while suspended or while a notice of suspension is pending, the ECC-Provider shall issue a notice of decertification to the ECC-Rater Company.

i. The notice of decertification shall be in writing and include the basis for decertification.

ii. The ECC-Rater Company will have 10 days of receipt of the notice of decertification to respond in writing. If the ECC-Provider receives a response, the ECC-Provider shall acknowledge the response and, within 10 days, request additional information needed from the ECC-Rater Company. The ECC-Rater Company shall have 10 days to provide additional information to the ECC-Provider. No earlier than 30 days of the date of the notice of suspension or 20 days of receiving a response or additional information from the ECC-Rater, whichever is later, the ECC-Provider shall provide a final determination of decertification. The decertification shall not be effective until the ECC-Rater Company has exhausted its right to appeal pursuant to Section 10-103.3(h) or until the time to exercise its right to appeal has lapsed.

9. **Data Recording.**

A. **Data Recording for Field Verification and Diagnostic Tests.** Each ECC-Provider shall record all data collected by an ECC-Rater for a field verification and diagnostic test, including the following data:

i. The registered Certificate(s) of Compliance, Certificate(s) of Installation, Certificate(s) of Verification, and their associated Compliance Registration Packages.

ii. The energy efficiency improvements verified or tested, if applicable.

iii. Whether the builder chose to include the home in a sample for FV&DT as specified in the Residential Appendices.

iv. Whether initial FV&DT as specified in the Residential Appendices was conducted on the home.

v. Whether the home in a sample was selected and verified or tested as specified in the Residential Appendices.

vi. Whether the home in a sample was selected for resampling and verified or tested after a sampling failure was found in the sample as specified in the Residential Appendices.

vii. Whether the home in a sample was verified or tested and corrective action was taken after a resampling failure was found in the sample as specified in the Residential Appendices.

viii. Whether the homeowner declined to have verification or testing, and corrective action taken after occupancy as specified in the Residential Appendices.

B. **Data Recording for Quality Assurance Actions.**

i. An ECC-Provider shall record all Quality Assurance and disciplinary actions taken against each ECC-Rater and ECC-Rater Company.

ii. The ECC-Provider shall maintain a database tracking system indicating the certificate status of all certified ECC-Raters and ECC-Rater Companies and all Quality Assurance or disciplinary actions taken against each ECC-Rater and ECC-Rater Company.

iii. Quality Assurance Data regarding ECC-Raters and ECC-Rater Companies shall include all of the following:

a. Name, business address, and contact information for each certified ECC-Rater, ECC-Rater Company, or applicant.

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b. Current status of certification, limited to one of the following: Application-in-Review, In-training, Certified, Exemplary, Under Notice of Violation, on Probation, on Suspension, Decertified, Certification Dormant (no data registration activity in one year).

c. Current ECC-Provider pricing assigned to the ECC-Rater or ECC-Rater Company for the costs and services for Field Verification and Diagnostic Testing registration including any Quality Assurance fees.

d. **Quality Assurance Actions.** List and indicate pass or fail with an explanation of all of the following audits for each certified ECC-Rater:

(i) Onsite audits (Section 10-103.3(d)5Ci).

(ii) Shadow audits (Section 10-103.3(d)5Cii).

(iii) Desk audits (Section 10-103.3(d)5Civ).

e. **Detailed Quality Assurance Action Records.** The ECC-Provider shall keep all field notes and associated records regarding passed, warnings issued, or failed quality assurance tests for each certified ECC-Rater for no less than 5 years.

10. **Data Retention.**

A. An ECC-Provider shall maintain all information in the original format in which it collects, receives, or records the data for a minimum of 10 years.

B. ECC-Providers shall maintain a system that allows the Commission to readily search and query compliance documents, quality assurance data, and ECC-Rater and ECC-Rater Company information collected in accordance with ECC-Provider responsibilities (Section 10-103.3(d)). The Commission shall be able to search and query the information stored on the ECC-Provider's system in a way that is not substantially limited compared to the ability of the ECC-Provider.

C. ECC-Providers may not restrict or degrade the Commission's ability to query, access, sort, or filter this information in any way that is substantially different compared to the ability of the ECC-Provider.

D. ECC-Providers shall maintain digital copies of all files that can be indexed and searched at a minimum by calendar year or designated code cycle. It is the responsibility of ECC-Providers to maintain the necessary systems to support these functions, unless the Commission or Executive Director explicitly authorizes the ECC-Provider, in writing, to operate without this functionality or process.

E. Nothing in this subsection shall be construed as requiring an ECC-Provider to process, re-package, or otherwise modify any historical information collected prior to January 1, 2026.

11. **Data Reporting.** ECC-Providers shall comply with the following reporting requirements:

A. ECC-Providers shall maintain a database of the information specified in Section 10-103.3(d)9A and in compliance with Building Energy Efficiency Standards, Reference Appendix JA7, for the greater of: 500 buildings field verified and diagnostically tested by ECC-Raters certified by the respective ECC-Provider each year, or a 10 percent random sample of buildings field verified and diagnostically tested by ECC-Raters certified by the respective ECC-Provider each year. Requests for data shall be limited to information needed to confirm compliance with and/or assess the ECC program.

B. Beginning January 1, 2027, ECC-Providers shall provide this information annually in electronic form to the Commission for evaluating the effectiveness of field verification and diagnostic testing.

C. This information shall be organized according to climate zones as defined in the Building Energy Efficiency Standards, Section 100.1(b).

D. **FV&DT Data Reporting.** Within ninety days of the Executive Director approving a CEC-maintained electronic document repository, an ECC-Provider shall transmit to the Commission electronic document depository Certificate(s) of Certification, Certificate(s) of Installation, Certificate(s) of Verification documents (Section 10-103) and their associated Compliance Registration Packages that are registered and retained by a data registry in accordance with Section 10-103 and Building Energy Efficiency Standards, Appendix JA7. The ECC-Provider shall submit this data no less than once per calendar quarter and in a manner as directed by the Commission. Once implemented, this requirement shall supersede the requirements of Sections 10-103.3(d)11A, 10-103.3(d)11B and 10-103.3(d)11C.

E. **Quality Assurance Quarterly Report.** The ECC-Provider shall send a report each quarter to the Commission that includes all failed quality assurance audits (Section 10-103.3(d)5). The ECC-Provider shall comply with all of the following:

i. Submit a Quality Assurance Quarterly Report for each project where an audit (Section 10-103.3(d)5) was performed and failed within the calendar quarter. The Quality Assurance Quarterly Report shall be submitted no less than 60 days after the end of the calendar quarter. Each reported project shall list the contractor information, ECC-Rater information, project address, project permit code (if available), other project identification available to help identify the project, and code violations for each failed audit (as prescribed in Section 10-103.3(d)5).

ii. The ECC-Provider shall submit all Quality Assurance Quarterly Reports to the Commission in a docket prepared by the Commission.

F. **Quality Assurance Annual Report.**

i. An ECC-Provider shall submit a Quality Assurance Annual Report to the Commission for each calendar year no later than the end of February of the following year.

ii. The Quality Assurance Annual Report shall include all specified records within the annual timeframe.

iii. The Quality Assurance Annual Report shall summarize all quality assurance actions taken for each ECC-Rater certified by the ECC-Provider during the preceding year.

iv. Detailed Quality Assurance Action Records (Section 10-103.3(d)9Biiid) are not required to be submitted annually to the Commission but shall be subject to Commission requests for information made pursuant to Section 10-103.3(d)12.

G. **Annual Reporting Requirements Regarding ECC-Rater Companies.**

i. By the first of June of each year starting in 2027, an ECC-Provider shall submit an ECC-Rater Company Annual Report to the Commission. The report shall be clearly labeled as confidential and transmitted to the Commission as confidential submission and will be treated as such as permitted by law. The report becomes nonconfidential 5 years following submission but may receive confidential redesignation if the ECC-Provider requests extension of confidential status using the steps outlined in Title 20, Section 2505 et seq. of the California Code of Regulations.

ii. Reserved.

iii. The ECC-Provider shall ensure that the ECC-Rater Company Annual Report includes the current ECC-Provider pricing assigned to each ECC-Rater Company and Independent ECC-Rater for the costs of all services for Field Verification and Diagnostic Testing registration, including any Quality Assurance fees.

H. **Immediate Reporting of Disciplinary Actions.** The ECC-Provider shall provide written notification of any ECC-Rater or ECC-Rater Company decertification to the Commission within 24 hours of decertification. The Commission shall notify all ECC-Providers of the decertification and instruct all ECC-Providers to immediately suspend the ECC-Rater's or ECC-Rater Company's access credentials to their respective data registries.

12. **Responses to Commission Requests for Data.**

A. At any time, the Executive Director may request access to or a digital copy of one or more registered compliance documents, associated with Compliance Registration Packages, and quality assurance records that an ECC-Provider is required to maintain pursuant to Section 10-103.3(d)9 and the Building Energy Efficiency Standards, Reference Joint Appendix JA7. Requests for data shall be limited to information needed to confirm compliance with, assess the Section 10-103.3 ECC Program, or both.

B. The provider shall comply with the request in the timeframe specified by the Executive Director.

C. ECC-Providers have the sole responsibility to ensure that their systems can comply with the data request provisions of this subsection, including providing the Commission with reasonable access to any and all compliance documents, including Compliance Registration Packages, submitted within the past 10 years.

13. **Data Registry Requirements.** ECC-Providers must comply with all data registry requirements provided by the Building Energy Efficiency Standards, Reference Joint Appendix JA7, and Section 10-109.

14. **No Approved ECC-Providers.** If there are no certified ECC-Providers, the CEC may perform the ECC-Provider Responsibilities provided in Section 10-103.3(d) or suspend all or a portion of the FV&DT program, including (but not limited to) relevant provisions of the Building Energy Efficiency Standards found in Residential Appendices RA1, RA2, RA3 and RA4; Nonresidential Appendices NA1 and NA2; Reference Joint Appendix JA7; and Section 10-109.

15. **ECC-Provider Discipline.** If the Executive Director becomes aware of an ECC-Provider's violation of these regulations, including any Conditions of Approval, the Executive Director shall take the disciplinary steps necessary to address and correct the violation. Violations that trigger the disciplinary process include failure to comply with quality assurance requirements (Section 10-103.3(d)5), failure to investigate or discipline ECC-Raters and ECC-Rater Companies (Section 10-103.3(d)7 and Section 10-103.3(d)8), failure to allow the Commission full access to the ECC-Provider data registry (Section 10-103.3(d)12), refusal to comply with Commission data requests (Section 10-103.3(d)12), failure to cooperate in a Commission complaint investigation (Section 10-103.3(d)12), and failure to otherwise comply with any applicable law or regulation. In the event of a severe violation, the Executive Director may proceed immediately to issue a notice of suspension for the first severe violation and to issue a notice of decertification for a second severe violation. A severe violation of these regulations includes knowingly creating false field verification or diagnostic testing documents, any violation involving criminal activity, coordinating or participating in an organized scheme to violate these regulations, or a demonstrated pattern of violating these regulations.

A. **Step 1: Notice of violation.** Upon identification of one or more violations of these regulations by an ECC-Provider, the Executive Director shall issue a notice of violation to the ECC-Provider's designated contact and publicly post the notice. The Executive Director shall require the ECC-Provider to take corrective action related to the violations within a specified timeframe. The notice of violation shall be in writing and include a description of the legal requirements and violations, any corrective action the ECC-Provider must take, and the timeframe for complying with all the notice of violation requirements. The ECC-Provider will have 10 days of receipt of the notice of violation to respond in writing. If the Executive Director receives a response, the Executive Director shall acknowledge the response and, within 5 days, request additional information needed from the ECC-Provider. The ECC-Provider will have 5 days to provide

additional information to the Executive Director. Within 30 days of the date of the notice of violation or within 20 days of receiving additional information from the ECC-Provider, whichever is later, the Executive Director shall provide a final determination of a violation to the ECC-Provider.

B. **Step 2: Probation.** If an ECC-Provider fails to complete all corrective action prescribed by the Executive Director within the specified timeframe or receives a second notice of violation within a three-month period, the Executive Director shall issue a notice of probation to the ECC-Provider's designated contact. The Executive Director shall also publicly post the notice of probation. The notice shall be in writing, include a description of the regulatory requirements and violations, and specify the probation duration. The ECC-Provider will have 10 days of receipt of the notice of probation to respond in writing. If the Executive Director receives a response, the Executive Director shall acknowledge the response and, within 5 days, request additional information needed from the ECC-Provider. The ECC-Provider will have 5 days to provide additional information to the Executive Director. Within 30 days of the date of the notice of probation or within 20 days of receiving additional information from the ECC-Provider, whichever is later, the Executive Director shall provide a final determination of probation to the ECC-Provider.

C. **Step 3: Suspension.** If an ECC-Provider fails to complete all corrective action or receives a new notice of violation while on probation, the Executive Director shall issue a notice of suspension to the ECC-Provider's designated contact. The Executive Director shall also publicly post the notice of suspension. The notice shall be in writing and include a description of the regulatory requirements, violations, and proposed terms of suspension. The terms of suspension shall not be effective until the ECC-Provider has exhausted its right to appeal pursuant to Section 10-103.3(h) or until the time to exercise its right to appeal has lapsed, at which time the terms of suspension shall be deemed to have been imposed by the Commission.

   i. The ECC-Provider shall have 10 days of receipt of the notice of suspension to respond in writing. If the Executive Director receives a response, the Executive Director shall acknowledge the response and, within 5 days, request additional information needed from the ECC-Provider. The ECC-Provider will have 5 days to provide additional information to the Executive Director. Within 30 days of the date of the notice of suspension or within 20 days of receiving additional information from the ECC-Provider, whichever is later, the Executive Director shall provide a final determination of a suspension to the ECC-Provider.

   ii. **Terms of Suspension.** Suspension may include conditionally or unconditionally restricting access to the Report Generator by the ECC-Provider. The duration of suspension shall be included in the terms of suspension.

   iii. **Amendment to Terms of Suspension.** The Executive Director may amend any term of the suspension by issuing a notice of amendment to terms of suspension to the ECC-Provider's Designated Contact that includes the new terms of suspension and proposed effective date. Within 30 days of the date of the notice, the ECC-Provider may appeal the new terms pursuant to Section 10-103.3(h) or accept the new terms. If the ECC-Provider does not respond to the notice, the new terms shall go into effect on the 31st day after the date of the notice.

   iv. **180-day Report**. After 180 days of suspension, the Executive Director has 30 days to send to the ECC-Provider's Designated Contact and publicly post a 180-day report that includes each outstanding violation, a timeline of when notices of potential violation and notices of violation were given for each outstanding violation, the date the probation began, the date suspension began and all terms of suspension, any amendments during the suspension, all steps the Executive Director is aware that the ECC-Provider has taken to remedy each violation, and any other information the Executive Director deems relevant, including the Executive Director's intentions moving forward with respect to the ECC-Provider.

D. **Step 4: Rescinding Approval**. If an ECC-Provider fails to comply with the terms of suspension or receives a new notice of violation while suspended or while a notice of suspension is pending, the Executive Director shall issue a notice of rescinding approval to the ECC-Provider's designated contact. The rescinded approval shall not be effective until the ECC-Provider has exhausted its right to appeal pursuant to Section 10-103.3(h) or until the time to exercise its right to appeal has lapsed, at which time the rescinded approval shall be deemed to have been imposed by the Commission.

   i. The ECC-Provider shall have 10 days of receipt of the notice of rescinded approval to respond in writing. If the Executive Director receives a response, the Executive Director shall acknowledge the response and, within 5 days, request additional information needed from the ECC-Provider. The ECC-Provider will have 5 days to provide additional information to the Executive Director. Within 30 days of the date of the notice of rescinded approval or within 20 days of receiving additional information from the ECC-Provider, whichever is later, the Executive Director shall provide a final determination of a rescinded approval to the ECC-Provider.

E. **Remediation** required to restore eligibility to apply to be an ECC-Provider. Once an ECC-Provider has been decertified, neither that entity nor any successor, subsidiary, or otherwise affiliated or substantially similar organization is eligible to apply to operate as or apply to become a certified ECC-Provider until it has completed the following remediation process:

   i. A decertified ECC-Provider may regain their eligibility to apply to become an ECC-Provider by submitting an Application for Remediation pursuant to Section 10-103.3(c)9 and receiving the Commission's approval.

   ii. Once a decertified ECC-Provider has completed the remediation process by receiving the Commission's approval, the decertified ECC-Provider becomes a remediated ECC-Provider eligible to submit an ECC-Provider Application pursuant to Section 10-103.3(c)3 according to the process set out in Section 10-110. A remediated ECC-Provider is only eligible for a full application pursuant to Section 10-103.3(c)3.

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(e) **ECC-Rater Certification and Responsibilities.**

1. **Certification.**
   A. **Certification Process.** ECC-Rater applicants shall apply to a Commission approved ECC-Provider for certification pursuant to the application process established by the ECC-Provider.
   B. **Minimum Qualifications.** ECC-Rater applicants shall have completed all training set forth in Section 10-103.3(d)1.
   C. **ECC-Rater Agreement.** Prior to being certified, an ECC-Rater applicant shall sign the ECC-Rater agreement with the ECC-Provider, in which the ECC-Rater shall agree, at minimum, to comply with all applicable laws and regulations, including the requirements provided in this Section 10-103.3.
   D. **Clean Certification Record.** ECC-Providers shall not issue a new ECC-Rater certification to any ECC-Rater applicant if that applicant has an ongoing disciplinary proceeding requiring resolution by another ECC-Provider.
      i. At a minimum, the issuing ECC-Provider shall require an ECC-Rater applicant to attest that the ECC-Rater applicant is in good standing with all other ECC-Providers.
      ii. Any ECC-Provider may submit a complaint to the Commission if it suspects that an ECC-Rater with an outstanding disciplinary status requiring resolution has been issued a new ECC-Rater certification by another ECC-Provider.
2. **Required Conduct.**
   A. ECC-Raters shall provide field verification services in compliance with these regulations, including any regulations contained in the California Building Energy Efficiency Standards and related Reference Appendices RA1, RA2, RA3, RA4, JA7, NA1, and NA2.
   B. ECC-Raters shall not create, record, submit, or certify untrue, inaccurate, or incomplete field verification and diagnostic test information or report field verification and diagnostic test results that did not comply with these regulations.
   C. ECC-Raters shall not accept payment or other consideration in exchange for reporting a field verification and diagnostic test result not conducted and reported in compliance with these regulations.
   D. ECC-Raters shall comply with the conflict-of-interest prohibitions set forth in Section 10-103.3(b)1.
   E. ECC-Raters shall be present and personally participate in any field verification and diagnostic test or field verification activity. If an ECC-Rater relies on employees, designees, trainees, or any other individual to assist them in performing field verification and diagnostic test activity, the ECC-Rater shall be able to directly monitor and verify that any tests or measurements were performed properly in accordance with regulations.
   F. ECC-Raters shall not provide information based on assumptions, averages, or otherwise generated in any way other than by field verification and diagnostic testing performed in accordance with these regulations. Any such information is presumed to be untrue, inaccurate, and/or incomplete unless the ECC-Rater has the written permission of the Executive Director that explains how that information is collected and why such data is not untrue, inaccurate, and/or incomplete.
   G. ECC-Raters not employed by an ECC-Rater Company are considered independent. Independent ECC-Raters shall submit an Annual Activity Report no later than the end of March of each year starting in 2027 to the Commission that includes the information listed in Sections 10-103.3(f)2Fiii and 10-103.3(f)2Fiv.
3. **Failure to Adhere to Required Conduct.** ECC-Raters are subject to the disciplinary action set forth in Section 10-103.3(d)7 for the failure to adhere to the required conduct and these regulations.
4. **Appeal and Reconsideration of Discipline.**
   A. ECC-Raters may seek reconsideration and review of a disciplinary action as set forth in Section 10-103.3(d)7.
   B. ECC-Raters may appeal a disciplinary action imposed on them as set forth in Section 10-103(h).

(f) **ECC-Rater Company Certification and Responsibilities.**

1. **Certification.**
   A. **Certification Process.** ECC-Rater Company applicants shall apply to a Commission approved ECC-Provider pursuant to the application process established by the ECC-Provider.
   B. **Minimum Qualifications.** At least one principal of the ECC-Rater Company applicant shall hold an active ECC-Rater certification issued by a Commission approved ECC-Provider or be actively pursuing certification as evidenced by enrollment in training courses. A principal of an ECC-Rater Company is defined as a senior management-level employee and is not limited to an owner or shareholder of the ECC-Rater Company.
   C. **Training.** Prior to being certified, the ECC-Rater Company applicant shall complete all required training provided by the ECC-Provider.
   D. **ECC-Rater Company Agreement.** Prior to being certified, the ECC-Rater Company applicant shall sign an agreement with the ECC-Provider, in which the ECC-Rater Company shall agree, at minimum, to comply with all applicable laws and regulations, including but not limited to the requirements provided in Section 10-103.3.
2. **Required Conduct.**
   A. Reserved.
   B. ECC-Rater Companies shall have view-only access to the compliance documents registered by its ECC-Rater.

C. ECC-Rater Companies shall not change data entered into the ECC-Provider data registry for any Certificates of Verification.

D. ECC-Rater Companies may be the "Document Author" for Certificates of Compliance and Certificates of Installation registered in the ECC-Provider data registry but may not sign as the "Responsible Person" or "Installing Technician" (Sections 10-103(a)1 and 10-103(a)3).

i. An ECC-Rater or ECC-Rater Company may sign the Certificate of Installation as the "Authorized Representative" if they have a Delegation of Signature Authority (Section 10-103(a)3A) agreement with the Responsible Person and in place with the ECC-Provider.

ii. The ECC-Rater Company may not provide additional project services beyond field verification and diagnostic testing or as provided in Sections 10-103.3(f)2D and 10-103.3(f)2Di, including design, construction management, permitting, or "Responsible Person" signatories (Sections 10-103(a)1 and 10-103(a)3) unless the ECC-Rater Company submits a Declaration of ECC-Rater Company Separation of Services as provided in Section 10-103.3(f)2Diii.

iii. **Declaration of ECC-Rater Company Separation of Services.** The Declaration of ECC-Rater Company Separation of Services provides proof to the ECC-Provider that the ECC-Rater(s) employed or contracted by the ECC-Rater Company to provide field verification and diagnostic services is in compliance with the requirements in Section 10-103.3(b)1 and is independent and acting as a third party as defined by Section 10-103(a)5 from the person(s) employed or contracted by the ECC-Rater Company to provide services beyond the field verifications and diagnostic testing services including design, construction management, permitting, or "Responsible Person" signatories (Sections 10-103(a)1 and 10-103(a)3) on the same project.

a. The ECC-Rater Company must show proof that the person(s) providing these additional services do not have management, hiring or firing, payment or any other authority over the ECC-Rater or direct the ECC-Rater activities in any regard on the same project(s).

b. The ECC-Rater Company must show proof that the person(s) providing these additional services is qualified to do so under Division 3 of the *Business and Professions Code*.

c. The ECC-Rater Company must show proof that the person(s) providing signatory services under Sections 10-103(a)1 and 10-103(a)3 will be legally responsible for design, construction, or installation in the applicable classification for the scope of work and will sign as the Responsible Person.

d. The Declaration of ECC-Rater Company Separation of Services must be retained by the ECC-Provider to which all project compliance documentations are submitted.

E. ECC-Rater Companies shall use the approved data registry user interface of a data registry or an approved external digital data service for data input into the ECC-Provider data registry.

F. By the end of March of each year starting in 2027, each ECC-Rater Company shall submit an Annual Activity Report to the Commission. The report must be clearly labeled as confidential and must be treated as such as permitted by law. The report becomes nonconfidential 5 years following submission but may receive confidential redesignation if the ECC-Provider requests extension of confidential status using the steps outlined in Title 20, Section 2505 et seq. of the California Code of Regulations. The report shall contain all of the following:

i. ECC-Rater Company Contact details, principals, and required certificates.

ii. A list of all ECC-Raters working for the ECC-Rater Company.

iii. The total number of field verifications and diagnostic tests performed by ECC-Raters working for the ECC-Rater Company during the prior calendar year, organized by enforcement agency.

iv. The total and average cost of services charged for each type of field verification and diagnostic test performed by ECC-Raters working for the ECC-Rater Company during the prior calendar year.

G. The ECC-Rater Company is responsible for assuring all of its ECC-Raters comply with these regulations and all other applicable laws and regulations when providing field verification and diagnostic services.

H. The ECC-Rater Company shall support the ECC-Rater progressive discipline requirements (Section 10-103.3(d)7) as follows:

i. **Notice of violation.** The ECC-Rater Company shall ensure the ECC-Rater complies with any corrective action and reimbursement of costs prescribed in the notice of violation within the timeframe provided in the notice of violation. The ECC-Rater Company shall facilitate any refund to a homeowner.

ii. **Probation.** The ECC-Rater Company shall ensure the ECC-Rater complies with any training and tests and reimbursement of costs prescribed in the notice of probation within the time provided in the notice of probation. The ECC-Rater Company shall not assign any new work to the ECC-Rater until probation is lifted.

iii. **Suspension.** The ECC-Rater Company shall ensure the ECC-Rater complies with the terms of suspension prescribed in the notice of suspension.

iv. **Decertification.** The ECC-Rater Company shall ensure the decertified ECC-Rater does not perform any FV&DT services.

I. ECC-Rater Companies shall not provide untrue, inaccurate, or incomplete field verification and diagnostic test information or report field verification and diagnostic test results that did not comply with these regulations.

J. ECC-Rater Companies shall not accept payment or other consideration in exchange for reporting a field verification and diagnostic test result not conducted and reported in compliance with these regulations.

K. **Prohibition of Conflicts of Interest.** ECC-Rater Companies shall comply with the conflict-of-interest prohibitions set forth in Section 10-103.3(b)1.

3. **Failure to Adhere to Required Conduct.** ECC-Rater Companies are subject to the disciplinary action set forth in Section 10-103.3(d)8 for the failure to adhere to the required conduct and these regulations.

4. **Reconsideration of Discipline.** ECC-Rater Companies may request reconsideration and review of a disciplinary action as set forth in Section 10-103.3(d)8.

(g) **Prohibition from Practice and Re-Entry.** Any ECC-Rater, ECC-Rater Company, or ECC-Provider that is currently suspended, or that has been decertified by the Executive Director or Commission pursuant to these regulations, is prohibited from operating pursuant to its certification under these regulations.

1. **ECC-Raters.**

A. While prohibited from practice, an ECC-Rater shall not submit field verification and diagnostic test information, including any compliance documents or Compliance Registration Packages, to an ECC-Provider, data registry, or the Commission.

B. Any such information submitted by an ECC-Rater who is prohibited from practicing is invalid and may not be relied on for purposes of permit compliance under the Energy Code.

2. **ECC-Rater Companies.** ECC-Rater Companies shall not act in any manner that leads to, encourages, or aids a violation of the prohibition to practice.

3. **ECC-Providers.**

A. No ECC-Provider shall accept or maintain field verification and diagnostic test information, including any compliance documents or Compliance Registration Packages, from an entity that is prohibited from practice at the time that information was either gathered or submitted.

B. Nothing in this subsection shall be interpreted as prohibiting an ECC-Provider from storing or relying on information submitted by an ECC-Rater while they were in good standing.

4. **Re-Entry.** The Executive Director or Commission may, for good cause, reinstate an entity's ability to practice pursuant to Section 10-103.3(c).

(h) **Appeal to Commission.** Within 30 days of any decision or determination made by the Executive Director (Section 10-103.3(d)15) or an ECC-Provider (Sections 10-103.3(d)7 and 10-103.3(d)8), an ECC-Provider, ECC-Rater, or ECC-Rater Company subject to the decision or determination ("appellant") may appeal the decision or determination to the Commission. The following procedures apply to the appeal:

1. The appeal shall be in writing and signed by the appellant and served on the party whose decision is the subject of appeal ("respondent") and the Commission. The appeal shall consist of a written argument stating the grounds for modifying or reversing the decision, identifying the statutes and regulations relevant to the appeal, and stating whether an oral hearing is requested, and a copy of all relevant notices, responses, correspondence, documents, and decisions.

2. Within 30 days after the date the appeal was filed, the respondent shall serve on the appellant and the Commission a written argument stating the grounds for affirming, modifying, or reversing the decision; identifying the statutes and regulations relevant to the appeal; and stating whether an oral hearing is requested. The respondent's written argument shall also be accompanied by any relevant notices, responses, correspondences, documents, and decisions not previously provided by the appellant.

3. **Commission Consideration of Appeal.**

A. The proceedings on appeal shall be conducted in a manner consistent with Chapter 4.5 of the Government Code (Section 11400 et seq.) and Title 20 California Code of Regulations, Sections 1200–1216.

B. The Commission shall review the decision or determination made pursuant to this section for substantial evidence.

10-104. Exceptional designs.

Note: See Section 10-109 for approval of calculation methods and Alternative Component Packages.

(a) **Requirements.** If a building permit applicant proposes to use a performance compliance approach, and the building designs cannot be adequately modeled by an approved calculation method, an applicant shall be granted a building permit if the Commission finds:

1. That the design cannot be adequately modeled with an approved calculation method;
2. Using an alternative evaluation technique, that the design complies with Part 6; and
3. That the enforcement agency has determined that the design complies with all other legal requirements.

(b) **Applications.** The applicant shall submit four copies of a signed application with the following materials to the Executive Director:

1. A copy of the plans and documentation required by Section 10-103(a)2; and
2. A statement explaining why meeting the energy budget cannot be demonstrated using an approved calculation method; and

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3. Documentation from the enforcement agency stating that:
   A. Meeting the energy budget requirements cannot be demonstrated using an approved calculation method; and
   B. The design complies with all other legal requirements; and
4. A detailed evaluation of the energy consumption of the proposed building and the building's materials, components and manufactured devices proposed to be installed to meet the requirements of Part 6 using an alternative evaluation technique. The evaluation shall include a copy of the technique, instructions for its use, a list of all input data and all other information required to replicate the results.

Authority: Sections 25402 and 25402.1, Public Resources Code.

Reference: Sections *25007, 25008, 25218.5, 25310,* 25402, 25402.1, *25402.4, 25402.5, 25402.8 and 25943,* Public Resources Code.

HISTORY:

1. New section filed 12-27-84; designated effective 1-1-85 pursuant to Government Code Section 11346.2 (d) (Register 84, No. 52).
2. (CEC 1/92) Regular order by the California Energy Commission to amend Section 10-104, Part 1, Title 24, California Code of Regulations. Filed with the secretary of state June 12, 1992; publication date July 15, 1992; effective 30 days thereafter. Approved as a regular order by the California Building Standards Commission on June 8, 1992.

10-105. Enforcement by the Commission.

(a) **Where there is no local enforcement agency.** Before new construction may begin in an area where there is no local enforcement agency, the Executive Director shall determine in writing that the building design conforms to the requirements of Part 6. The person proposing to construct the building shall submit the information described in Sections 10-103(a)1 and 10-103(a)2 to the Executive Director when such a determination is sought.

(b) **Where building construction is under the jurisdiction of a state agency.** Pursuant to Public Resources Code Section 25402.1(g)(5), no construction of any state building shall commence until the Department of General Services or the state agency that otherwise has jurisdiction over the property determines that the construction is designed to comply with the requirements of Part 6, and confirms that the documentation requirements of Sections 10-103(a)1 and 10-103(a)2 have been met and that the plans indicate the features and performance specifications needed to comply with Part 6. The responsible state agency shall notify the Commission's Executive Director of its determination.

(c) **Where the enforcement agency fails to enforce.** If an enforcement agency fails to enforce the requirements of this article or of Part 6 the Commission, after furnishing 10 days written notice, may condition building permit issuance on submission of the information described in Sections 10-103(a)1 and 10-103(a)2 to the Executive Director and on his or her written determination that proposed construction conforms to the requirements of Part 6.

Authority: Code Section 25402.1, Public Resources Code.

Reference: Section 25402.1, Public Resources Code.

HISTORY:

1. Amendment filed 12-27-84; designated effective 1-1-85 pursuant to Government Code Section 11346.2 (d) (Register 84, No. 52).
2. (CEC 1/92) Regular order by the California Energy Commission to amend Section 10-105, Part 1, Title 24, California Code of Regulations. Filed with the secretary of state June 12, 1992; publication date July 15, 1992; effective 30 days thereafter. Approved as a regular order by the California Building Standards Commission on June 8, 1992.

10-106. Locally adopted energy standards.

(a) **Requirements.** Local governmental agencies may adopt and enforce energy standards for newly constructed buildings, additions, alterations and repairs to existing buildings provided the following two requirements are met prior to any enforcement of the standards:

1. A determination that the standards are cost effective is adopted by the local agency at a public meeting and subsequently filed with the Energy Commission; and
2. The Energy Commission finds that the standards will require buildings to be designed to consume less energy than permitted by Title 24, Part 6.

(b) **Documentation application.** Local governmental agencies wishing to enforce energy standards subject to Section 10-106(a) shall submit an application with the following materials to the Executive Director:

1. The proposed energy standards;
2. The local governmental agency's findings and supporting analyses on the energy savings and cost effectiveness of the proposed energy standards;
3. A statement or finding by the local governmental agency that the proposed energy standards will require buildings to be designed to consume less energy than permitted by Part 6; and
4. Any findings, determinations, declarations or reports, including any negative declaration or environmental impact report, required pursuant to the California Environmental Quality Act, Public Resources Code Section 21000 et seq.

Authority: Section 25402.1, Public Resources Code.

Reference: Sections 21080.4, 21153, 25402.1, Public Resources Code.

HISTORY:

1. Amendment filed 12-27-84; designated effective 1-1-85 pursuant to Government Code Section 11346.2 (d) (Register 84, No. 52).
2. (CEC 1/92) Regular order by the California Energy Commission to amend Section 10-106, Part 1, Title 24, California Code of Regulations. Filed with the secretary of state June 12, 1992; publication date July 15, 1992; effective 30 days thereafter. Approved as a regular order by the California Building Standards Commission on June 8, 1992.

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10-107. Interpretations.

(a) The Commission may make a written determination as to the applicability or interpretation of any provision of this article or of Part 6 upon written application, if a dispute concerning a provision arises between an applicant for a building permit and the enforcement agency, and the dispute has been heard by the local board of permit appeals or other highest local review body. Notice of any such appeal, including a summary of the dispute and the section of the regulations involved, shall if possible be sent to the Commission by the enforcing agency 15 days before the appeal is heard, and the result of the appeal shall be sent to the Commission within 15 days after the decision is made. Either party to the dispute may apply for a determination but shall concurrently deliver a copy of the application to the other party. The determinations are binding on the parties.

(b) The Executive Director may, upon request, give written advice concerning the meaning of any provision of this article or of Part 6. Such advice is not binding on any person.

Authority: Section 25402.1, Public Resources Code.

Reference: Sections 25402.1 *and 25218.5,* Public Resources Code.

HISTORY:

1. Amendment filed 12-27-84; designated effective 1-1-85 pursuant to Government Code Section 11346.2 (d) (Register 84, No. 52).
2. (CEC 1/92) Regular order by the California Energy Commission to amend Section 10-107, Part 1, Title 24, California Code of Regulations. Filed with the secretary of state June 12, 1992; publication date July 15, 1992; effective 30 days thereafter. Approved as a regular order by the California Building Standards Commission on June 8, 1992.

10-108. Exemption.

(a) **Requirements.** The Commission may exempt any building from any provision of Part 6 if it finds that:

1. Substantial funds had been expended in good faith on planning, designing, architecture or engineering of the building before the adoption date of the provision; and
2. Compliance with the requirements of the provision would be impossible without both substantial delays and substantial increases in costs of construction above the reasonable costs of the measures required to comply with the provision.

(b) **Application.** The applicant shall submit four copies of a signed application with the following materials to the Executive Director:

1. A summary of the claimant's contracts for the project;
2. A summary of internal financial reports on the project;
3. Dated schedules of design activities; and
4. A progress report on project completion.

Authority: Section 25402.1, Public Resources Code.

Reference: Section 25402.1, Public Resources Code.

HISTORY:

1. Amendment filed 8-11-83; effective thirtieth day thereafter (Register 83, No. 33).
2. Amendment filed 12-27-84; designated effective 1-1-85 pursuant to Government Code Section 11346.2 (d) (Register 84, No. 52).
3. (CEC 1/92) Regular order by the California Energy Commission to amend Section 10-108, Part 1, Title 24, California Code of Regulations. Filed with the secretary of state June 12, 1992; publication date July 15, 1992; effective 30 days thereafter. Approved as a regular order by the California Building Standards Commission on June 8, 1992.

10-109. Compliance software, alternative component packages, exceptional methods, data registries and related external digital data sources, alternative residential field verification protocols, electronic document repositories, photovoltaic and battery energy storage system requirement determinations.

(a) **Compliance software, alternative component packages, exceptional methods, data registries and related data input software, alternative residential field verification protocols or electronic document repositories** must be approved by the Commission in order to be used to demonstrate compliance with Part 6.

(b) **Application.** Applications for approval of compliance software, alternative component packages, exceptional methods, data registries and related data input software, and alternative field verification protocols must be made as follows:

1. An applicant shall submit four copies of a signed application form specified by the Executive Director.
2. The application shall include the following materials:
   A. A description of the functional or analytical capabilities of the compliance software, alternative component package, calculation method, exceptional method, data registry or related data input software, and alternative field verification protocols; and
   B. A demonstration that the criteria in Section 10-109 are met; and
   C. An initial fee of one thousand dollars ($1,000). The total fee shall cover the Commission's cost of reviewing and analyzing the application. Within 75 days of receipt of an application, the Commission will provide an estimate of the total maximum cost to review and analyze the application and make a determination as to the completeness of the application. Consideration of the application will be delayed until the applicant submits requested additional information. After the Commission determines the total cost, if the cost exceeds the initial fee, the Commission shall assess an additional fee to cover the total cost. If the actual cost is less than the initial, or any estimated maximum, fee the Commission shall refund the difference to the applicant.

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(c) **Compliance software.**

1. **Compliance Manager.** The compliance manager is the public domain computer program, including simulation and compliance rule implementation software, developed by the Energy Commission pursuant to Public Resources Code Section 25402.1. The compliance manager software simulates the energy use of a proposed residential or nonresidential building and compares it to a standard design energy budget to determine if the building complies with the Building Energy Efficiency Standards. The compliance manager shall be able to do the following:

   A. **Standard design.** The standard design building is a building simulated to establish the baseline energy budget for space heating, space cooling, indoor air quality ventilation, and water heating for a proposed building.

      For newly constructed buildings, the standard design building shall be modeled as in the same location and having the same characteristics, including but not limited to floor area, volume, and configuration, as the proposed building, except that wall and fenestration areas shall be distributed equally between the four main compass points. For additions and alterations, the standard design shall be modeled as in the same location and having the same characteristics and shall have the same wall and fenestration areas and orientations as the existing building.

      Where the Energy Commission specifies that the standard design building includes a covered product subject to 42 USC 6295 or an appliance regulated by the Appliance Efficiency Regulations, the standard design building shall be modeled to meet but not exceed the efficiency level required by 42 USC 6295 for that covered product or applicable standards required by the Appliance Efficiency Regulations for that regulated appliance, respectively.

      The standard design building shall be modeled to include the mandatory requirements of the Building Energy Efficiency Standards and to meet but not exceed the prescriptive requirements that would apply to the proposed building.

      The process of generating the standard design shall be performed automatically. This modeling shall be based on the inputs that describe the proposed building, substituting the assumptions for wall and fenestration area distribution, required efficiency for the covered product subject to 42 USC 6295 that the Energy Commission specifies in the standard design, the applicable standards for the appliance regulated by the Appliance Efficiency Regulation that the Energy Commission specifies in the standard design, and mandatory and prescriptive options applicable to the proposed building, thereby creating a standard design building against which the energy use of the proposed building can be evaluated.

   B. The modeled energy budgets of the standard design building and the energy consumption of the proposed building are described in Title 24 Part 6, Sections 140.1(a), 150.1(b)1, and 170.1(a). These requirements ensure that all modeled building features are specified on a one-for-one equivalent energy use or equivalent energy cost basis. Compliance credit for covered products subject to 42 USC 6295 having efficiencies exceeding the efficiency levels required by 42 USC 6295 shall be calculated in terms of long-term system cost and source energy, thereby ensuring that the compliance credit is on a one-for-one equivalent energy or equivalent cost basis.

      Long-term system cost (LSC)—All electricity, gas or propane used within the modeled buildings shall be converted to LSC.

      Source energy—The energy used within the modeled buildings shall be represented as long-run marginal, hourly source energy.

   C. **Climate zone.** The Energy Commission has established typical weather data, prescriptive packages, and energy budgets for 16 geographic areas of California, called climate zones, as specified in the Energy Efficiency Standards and Joint Appendix 2.

      Climate zone dependent information based on the climate zone or zip code specified for the proposed building shall be used.

      Where climate elements are incorporated into modeling calculations for the standard and proposed buildings, the effects of weather, temperature, and other climate elements shall be calculated based on the climate zone specified for the proposed buildings. The same adjustment shall be applied to both buildings.

      The standard design shall be modeled as incorporating prescriptive options appropriate to the climate zone specified for the proposed building.

      For covered products subject to 42 USC 6295 and for appliances regulated by the Appliance Efficiency Regulations, the estimated energy use of those covered products or appliances used to calculate the total energy use of the standard design and proposed buildings shall be determined using the test procedures prescribed by 42 USC 6293 or the Appliance Efficiency Regulations, respectively. This estimated energy use shall be adjusted to reflect the conditions where Part 6 is being applied as a part of calculating the total long-term system cost and source energy of each building consistent with this section and document in the Alternative Calculation Method Reference Manual.

   D. **Alternative Calculation Method Reference Manual.** The Energy Commission shall publish a reference manual, Alternative Calculation Method Reference Manual, that specifies the standard design, documents the calculations and methods used by the compliance software to model building performance, calculates LSC and source energy, and determines building compliance with the Building Energy Efficiency Standards.

   E. **Compliance documentation.** If required, the necessary files needed to register the compliance documentation with an ECC-Provider shall be generated.

2. **Public domain computer programs.** In addition to the compliance manager, public domain computer programs that are approved pursuant to Public Resources Code Section 25402.1, the Commission may, upon written application or its own motion, approve additional public domain computer programs that may be used to demonstrate that proposed building designs meet energy budgets.
   A. The Commission shall ensure that users' manuals or guides for each approved program are available.
   B. The Commission shall approve a program only if it predicts energy consumption substantially equivalent to that predicted by the above-referenced public domain computer program, when it models building designs or features.
3. **Alternative calculation methods (all occupancies).** The Commission may approve nonpublic domain computer programs as an alternative calculation method, that building permit applicants may then use to demonstrate compliance with the performance standards (energy budgets) in Part 6. In addition to the application requirements of Section 10-116, an application for approval of compliance software must include documentation demonstrating, that the compliance software meets the requirements, specifications and criteria specified in Sections 10-109(c)1A, 10-109(c)1B, 10-109(c)1C, 10-109(c)1D and 10-109(c)1E, as appropriate.

(d) **Alternative component packages.** In addition to the application requirements of subdivision (b) above, an application for approval of an alternative component package must include documentation that demonstrates that the package:

1. Will meet the applicable energy budgets; and
2. Is likely to apply to a significant percentage of newly constructed buildings or to a significant segment of the building construction and design community.

(e) **Exceptional methods.** The Commission may approve an exceptional method that analyzes a design, material or device that cannot be adequately modeled using the public domain computer programs. Applications for approval of exceptional methods shall include all information needed to verify the method's accuracy.

(f) **Commission action.** The Commission may take the following actions on an application submitted pursuant to this section:

1. Approve the application unconditionally;
2. Restrict approval to specified occupancies, designs, materials or devices; or
3. Reject the application.

(g) **Resubmittal.** An applicant may resubmit a rejected application or may request modification of a restricted approval. Such application shall include the information required pursuant to this section, and, if applicable, shall indicate how the proposed compliance software, alternative component package, exceptional method, data registry or related data input software has been changed to enhance its accuracy or capabilities.

1. Modification. Whenever an approved compliance software, alternative component package, exceptional method, data registry or related data input software is changed in any way, it must be resubmitted under this section for approval.
2. The Commission may modify or withdraw approval of compliance software, an alternative component package, an exceptional method, or a data registry or related data input software based on its approval of other programs, methods, registries or data input software that are more suitable.

(h) **Alternative procedures or protocols.** In addition to the procedures and protocols identified in Sections 10-109(c), 10-116 and the Reference Appendices, the Commission may authorize alternative procedures or protocols that demonstrate compliance with Part 6.

(i) **Data registries and related external digital data sources, and electronic document repositories.**

1. Data registries and related external digital data sources.

   Data registries and related external digital data sources shall conform to the requirements specified in Reference Joint Appendix JA7.
   A. The Commission may approve residential data registries that provide for registration and retention of compliance documents and their associated Compliance Registration Packages when required by Part 6 of all residential compliance documentation and the nonresidential Certificates of Verification.
   B. Nonresidential data registry approval thresholds.
      i. The Commission may approve nonresidential data registries that provide for registration and retention of compliance documents and their associated Compliance Registration Packages when required by Part 6 of all nonresidential compliance documentation, excluding all Certificates of Acceptance recorded by an acceptance test technician certification provider (Sections 10-103.1 and 10-103.2). However, nonresidential data registries may not provide for registration of nonresidential Certificates of Verification.
      ii. As a prerequisite to reviewing and/or approving nonresidential data registries for use, on or after January 1, 2023, the Commission shall first make all of the following findings:
         a. The Commission has approved data schema capable of utilization in the development of any nonresidential data registry.
         b. The Commission will not lose access to information necessary to support the enforcement and development of current and future building code cycles.

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iii. The procedures for consideration and approval of applications enumerated in Section 10-110 shall not apply to applications for nonresidential data registries until the Commission makes the findings specified in Section 10-109(i)1Bii.

iv. Nothing in this or any other section, including Section 10-110, shall be construed as requiring the Commission to make the findings specified in Section 10-109(i)1Biia by any set date, regardless of pending applications.

v. The Registration Provider shall only use data schema approved by the Commission in a nonresidential data registry.

C. The Commission may approve external digital data sources used for data input to various data registries for registering, when required by Part 6 residential or nonresidential compliance documentation.

2. Electronic document repositories.

A. The Commission may approve electronic document repositories that retain for the Commission electronic compliance documentation and their associated Compliance Registration Packages generated by residential and nonresidential data registries when registration is required by Part 6.

(j) **Alternative residential field verification protocols.**

Alternative residential field verification protocols shall comply with the application requirements of Section 10-109(b) and any applicable requirements of Reference Residential Appendices RA1.

(k) **Photovoltaic system and battery energy storage system (BESS) requirement determinations.**

The Commission may, upon written application or its own motion, determine that the photovoltaic or BESS requirements in Section 150.1(a)3, Section 140.0(c), Section 170.0(a)3 shall not apply, if the Commission finds that the implementation of public agency rules regarding utility system costs and revenue requirements, compensation for customer-owned generation, interconnection fees or other factors causes the Commission's cost effectiveness conclusions, made pursuant to Public Resources Code 25402(b)(3), to not hold for particular buildings.

Applications shall include full information regarding the differences between public agency rules and Energy Commission cost effectiveness determinations, including all information requested by the Commission to enable full review of the application. Applications shall also include specific recommended limitations to the scope of the determination that is requested, and specific eligibility criteria to determine what buildings would qualify for the determination. Applications from public agencies shall be submitted to the Energy Commission only after public review within the jurisdiction of the public entity or service area of the utility. In cases where conditions have changed that potentially would alter Energy Commission determinations that previously have been made, the Energy Commission may reconsider those determinations on its own motion. Prior applicants shall assist the Energy Commission in obtaining information regarding current public agency rules upon request.

Authority: Sections *25402 and* 25402.1, Public Resources Code.

Reference: Sections 25007, 25008, 25218.5, 25310, 25402, 25402.1, 25402.4, 25402.5, 25402.8, 25605, 25910 and 25943, Public Resources Code.

HISTORY:

1. New section filed 12-9-81; designated effective 1-15-82 (Register 81, No. 50).
2. Amendment filed 8-11-83; effective thirtieth day thereafter (Register 83, No. 33).
3. Amendment filed 12-27-84; designated effective 1-1-85 pursuant to Government Code Section 11346.2 (d) (Register 84, No. 52).
4. Amendment of subsections (b), (d) and (e) filed 12-4-86; effective thirtieth day thereafter (Register 87, No. 1).
5. Change without regulatory effect of subsection (d) filed 4-5-88; operative 5-5-88 (Register 88, No. 17).
6. Amendment of subsections (b) and (d) filed 1-20-89; operative 2-19-89 (Register 89, No. 4).
7. (CEC 1/92) Regular order by the California Energy Commission to amend Section 10-109, Part 1, Title 24, California Code of Regulations. Filed with the secretary of state June 12, 1992; publication date July 15, 1992; effective 30 days thereafter. Approved as a regular order by the California Building Standards Commission on June 8, 1992.

10-110. Procedures for consideration of applications under Sections 10-104, 10-106, 10-108 and 10-109.

(a) Within 75 days of receipt of an application, the Executive Director shall determine if the application is complete with all the supporting information required pursuant to Section 10-103.3, 10-104, 10-106, 10-108, 10-109, or 10-116 (the complete application package).

(b) Once the application is determined to be complete, the Executive Director shall make the complete application package available to interested parties for review and comment. Comments from interested parties must be submitted within a time period set by the Executive Director, which shall be no less than 15 and no greater than 60 days after the complete application package is made available.

(c) Within 75 days of the date the application is determined to be complete, the Executive Director may request any additional information needed to evaluate the application. Consideration of the application will be delayed until the applicant submits the requested additional information.

(d) Within 75 days of the date the application is determined to be complete, the Executive Director may convene a workshop to gather additional information from the applicant and other interested parties. Interested parties will have 15 days after the workshop to submit additional comments or information regarding the application.

(e) Within 90 days of the date the application is determined to be complete, or within 30 days after receipt of complete additional information requested under Section 10-110(c) or within 60 days after the receipt of additional information submitted by interested parties under Section 10-110(d), whichever is later, the Executive Director shall submit to the Commission a written recommendation on the application.

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(f) The complete application package, any additional information considered by the Executive Director, and the Executive Director's recommendation shall be placed on the consent calendar and considered at the next business meeting after submission of the recommendation. The matter may be removed from the consent calendar at the request of any person.

(g) The Executive Director may charge a fee to recover the costs of processing and reviewing applications, with the exception of Section 10-106 applications.

(h) All applicants have the burden of proof to establish that their applications should be granted.

Authority: Section 25402.1, Public Resources Code.

Reference: Section 25402.1, Public Resources Code.

HISTORY:

1. New section filed 12-9-81; designated effective 1-15-82 (Register 81, No. 50).
2. Amendment filed 12-27-84; designated effective 1-1-85 pursuant to Government Code Section 11346.2 (d) (Register 84, No. 52).
3. Amendment filed 12-4-86; effective thirtieth day thereafter (Register 87, No. 1).

10-111. Certification and labeling of fenestration product and exterior door *U*-factors, solar heat gain coefficients, visible transmittance and air leakage. This section establishes rules for implementing labeling and certification requirements relating to *U*-factors, solar heat gain coefficients (SHGCs), visible transmittance (VT) and air leakage for fenestration products and exterior doors under Section 110.6(a) of Part 6. This section also provides for designation of the National Fenestration Rating Council (NFRC) as the supervisory entity responsible for administering the state's certification program for fenestration products and exterior doors, provided NFRC meets specified criteria.

(a) **Labeling requirements.**

1. **Temporary labels.**
   A. Every manufactured fenestration product and exterior door shall have attached to it a clearly visible temporary label that lists the *U*-factor, the solar heat gain coefficient (SHGC) and Visible Transmittance (VT) and that certifies compliance with the air leakage requirements of Section 110.6(a)1. Temporary labels for manufactured fenestration products and exterior doors are to incorporate the values determined by Section 10-111(a)1B and shall comply with the labeling requirements of NFRC 700. No other values for *U*-factor, SHGC, VT and Air Leakage are allowed on the temporary label attached to the manufactured fenestration product or exterior door. Component Modeling Approach (CMA) and site-built fenestration products shall have an NFRC label certificate that lists the *U*-factor, the Solar Heat Gain Coefficient (SHGC) and the Visible Transmittance (VT) and shall comply with the labeling requirements of NFRC 705 for the Component Modeling Approach or NFRC 700 for site-built fenestration products.
   B. *U*-factor, SHGC, VT and Air Leakage shall be determined by either:
      i. Fenestration products and exterior doors rated and certified using NFRC 100, NFRC 200, NFRC 202, NFRC 203 or NFRC 400 Rating Procedures. The manufacturer shall stipulate that the ratings were determined in accordance with applicable NFRC procedures. For manufactured fenestration products and exterior doors, a temporary label certificate approved by the supervisory entity (NFRC) meets the requirements of this section. For component modeling and site-built fenestration products, a label certificate approved by the supervisory entity (NFRC) meets the requirements of this section.
      ii. For manufactured or site-built fenestration products and exterior doors not rated by NFRC, a temporary label with the words "CEC Default *U*-factor," followed by the appropriate default *U*-factor specified in Section 110.6(a)2 and with the words "CEC Default SHGC," followed by the appropriate default SHGC specified in Section 110.6(a)3 and with the words "CEC Default VT," followed by the appropriate VT as specified in Section 110.6(a)4, meets the requirements of this Subsection B.
   C. Temporary labels shall also certify that the manufactured fenestration product or exterior door complies with the air leakage requirements of Section 110.6(a)1 of the Standards.
2. **Permanent labels.** Rated products shall have a permanent label consistent with their rating and certification that is either a stand-alone label, an extension or tab of an existing permanent certification label being used by the manufacturer/responsible party, or series of marks or etchings on the product. The permanent label coupled with observable product characteristics, shall be usable to trace the product to certification information on file with the supervisory entity or to a directory of certified products, published by the supervisory entity. For CMA and site-built fenestration products, a label certificate approved by the supervisory entity meets the requirements of this section.

   Exception to Section 10-111(a): Field-fabricated fenestration products.

(b) **Certification requirements.**

1. **Certification to default ratings.** The manufacturer shall certify on the Default Label that the product's *U*-factor, SHGC and VT meets the default criteria in Sections 110.6(a)2, 110.6(a)3 and 110.6(a)4; and
   A. A temporary label, affixed to the product, that meets the requirements of Section 10-111(a)1B meets this requirement.
   B. If the product claims the default *U*-factor for a thermal break product, the manufacturer shall also certify on the label that the product meets the thermal-break product criteria, specified on the default table, on which the default value is based. Placing the terms "Meets Thermal Break Default Criteria" on the default temporary label or default label certificate meets this requirement.

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2. **Certification to NFRC rating procedure.** If a product's *U*-factor, SHGC or VT is based on the NFRC Rating Procedure, the *U*-factor, SHGC or VT shall be certified by the manufacturer according to the procedures of an independent certifying organization approved by the Commission.
   A. A temporary label, affixed to the product or label certificate for CMA and site-built fenestration, meeting the requirements of Section 10-111(a) certified by the independent certifying organization complies with this requirement.
   B. An "independent certifying organization approved by the Commission" means any organization authorized by the supervisory entity to certify *U*-factor ratings, Solar Heat Gain Coefficient and Visible Transmittance ratings in accordance with the NFRC Rating Procedure. If the Commission designates the NFRC as the supervisory entity, any independent certification and Inspection Agency (IA) licensed by NFRC shall be deemed to be an "independent certifying organization approved by the Commission."
   C. The "supervisory entity" means the NFRC, except as provided in Section 10-111(c)1.

   Exception to Section 10-111(b): Field-fabricated fenestration products.

(c) **Designation of supervisory entity.** The NFRC shall be the supervisory entity to administer the certification program relating to *U*-factors, SHGC and VT ratings for fenestration products and exterior doors, provided the Commission determines that the NFRC meets the criteria in Section 10-111(d).

1. The Commission may consider designating a supervisory entity other than NFRC only if the Commission determines that the NFRC cannot meet the criteria in Section 10-111(d). Such other supervisory entity shall meet the criteria in Section 10-111(d) prior to being designated.
2. The Commission shall periodically review, at least annually, the structure and operations of the supervisory entity to ensure continuing compliance with the criteria in Section 10-111(d).

(d) **Criteria for supervisory entity.**

1. Membership in the entity shall be open on a nondiscriminatory basis to any person or organization that has an interest in uniform thermal performance ratings for fenestration products and exterior doors, including, but not limited to, members of the fenestration industry, glazing infill industry, building industry, design professionals, specifiers, utilities, government agencies and public interest organizations. The membership shall be composed of a broad cross section of those interested in uniform thermal performance ratings for fenestration products.
2. The governing body of the entity shall reflect a reasonable cross section of the interests represented by the membership.
3. The entity shall maintain a program of oversight of product manufacturers, laboratories and independent certifying organizations that ensures uniform application of the NFRC Rating Procedures, labeling and certification, and such other rating procedures for other factors affecting energy performance as the NFRC and the Commission may adopt.
4. The entity shall require manufacturers and independent certifying organizations within its program to use laboratories accredited by the supervisory entity to perform simulations and tests under the NFRC Rating Procedure or by an NFRC Approved Calculation Entity (ACE) under the Component Modeling Approach (CMA) Product Certification Program (PCP).
5. The entity shall maintain appropriate guidelines for testing and simulation laboratories, manufacturers and certifying agencies, including requirements for adequate:
   A. Possession and calibration of equipment;
   B. Education, competence and training of personnel;
   C. Quality control;
   D. Record keeping and reporting;
   E. Periodic review (including, but not limited to, blind testing by laboratories; inspections of products; and inspections of laboratories, manufacturing facilities and certifying agencies);
   F. Challenges to certified ratings; and
   G. Guidelines to maintain the integrity of the program, including, but not limited to, provisions to avoid conflicts of interest within the rating and certification process.
6. The entity shall be a nonprofit organization and shall maintain reasonable, nondiscriminatory fee schedules for the services it provides and shall make its fee schedules, the financial information on which fees are based, and financial statements available to its members for inspection.
7. The entity shall provide hearing processes that give laboratories, manufacturers and certifying agencies a fair review of decisions that adversely affect them.
8. The entity shall maintain a certification policy committee whose procedures are designed to avoid conflicts of interest in deciding appeals, resolving disputes and setting policy for the certifying organizations within its program.
9. The entity shall publish at least annually a directory of products certified and decertified within its program.
10. The entity itself shall be free from conflict-of-interest ties or to undue influence from any particular manufacturing interest(s), testing or simulation lab(s), or independent certifying organization(s).
11. The entity shall provide or authorize the use of labels and label certificates for Component Modeling Approach and site-built fenestration products that can be used to meet the requirements of Sections 110.6(a)2, 110.6(a)3 and 110.6(a)4, and this section.

12. The entity's certification program shall allow for multiple participants in each aspect of the program to provide for competition between manufacturers, testing labs, simulation labs and independent certifying organizations.

(e) **Certification for other factors.** Nothing in this section shall preclude any entity, whether associated with a *U*-factor, SHGC or VT certification program or not, from providing certification services relating to factors other than *U*-factors, SHGCs and VTs for fenestration products and exterior doors.

Authority: Sections *25402 and* 25402.1, Public Resources Code.

Reference: Sections *25007, 25008, 25218.5, 25310,* 25402, 25402.1, *25402.4, 25402.8 and 25943,* Public Resources Code.

HISTORY:

1. (CEC/2/92) Regular order by the California Energy Commission to adopt Section 10-111, Part 1, Title 24, California Code of Regulations. Filed with the secretary of state August 10, 1993; effective 30 days thereafter (September 9, 1993). Approved as a regular order by the California Building Standards Commission on August 2, 1993.
2. (CEC 2/94) Regular order by the California Energy Commission to amend Section 10-111 (a) 1 B, Part 1, Title 24, California Code of Regulations. Filed with the secretary of state August 24, 1993; effective 30 days thereafter. Approved as a regular order by the California Building Standards Commission on August 2, 1995.

10-112. Criteria for default tables.

(a) The Commission shall maintain tables of default *U*-factors and SHGCs for use as an alternative to *U*-factors and SHGCs derived based on the NFRC Rating Procedure. The default values shall meet the following criteria:

1. The values shall be derived from simulations of products using the same computer simulation program(s) used in the NFRC Rating Procedure.
2. The default values shall be set so that they do not provide to any significant number of products a lower *U*-factor or SHGC than those products would obtain if they were rated using the full NFRC Rating Procedure.

(b) The Commission shall periodically review and revise the default tables as necessary to ensure that the criteria are met.

Authority: Sections *25402 and* 25402.1, Public Resources Code.

Reference: Sections *25007, 25008, 25218.5, 25310,* 25402, 25402.1, *25402.4, 25402.8*, 25910 *and 25943,* Public Resources Code.

HISTORY:

1. (CEC/2/92) Regular order by the California Energy Commission to adopt Section 10-112, Part 1, Title 24, California Code of Regulations. Filed with the secretary of state August 10, 1993; effective 30 days thereafter (September 9, 1993). Approved as a regular order by the California Building Standards Commission on August 2, 1993.

10-113. Rating and labeling of roofing product reflectance and emittance. This section establishes rules for implementing labeling and rating requirements relating to reflectance and emittance for roofing products for showing compliance with Sections 140.1, 140.2, 140.3(a)1, 141.0(b)2B, 150.1(c)11, 150.2(b)1H and 150.2(b)2 of Title 24, California Code of Regulations, Part 6. This section also provides for designation of the Cool Roof Rating Council (CRRC) as the supervisory entity responsible for administering the state's rating program for roofing products, provided CRRC meets specified criteria.

(a) **Labeling requirements.** Every roofing product installed in construction to take compliance credit or meet the Prescriptive requirements for reflectance and emittance under Sections 140.1, 140.2, 140.3(a)1, 141.0(b)2B, 150.1(c)11, 150.2(b)1I or 150.2(b)2 shall have a clearly visible packaging label that lists the emittance and the initial and 3-year aged solar reflectance, or a CRRC Rapid Rating for solar reflectance, tested in accordance with CRRC-1.

Packaging for liquid-applied roof coatings shall state the product meets the requirements specified in Section 110.8(i)4.

(b) **Certification requirements.** Every roofing product installed in construction to take compliance credit or meet the Prescriptive requirements for reflectance and emittance under Sections 140.1, 140.2, 140.3(a)1, 141.0(b)2B, 150.1(c)11, 150.2(b)1I or 150.2(b)2 shall be rated by CRRC or another supervisory entity approved by the Commission pursuant to Section 10-113(c).

(c) **Designation of supervisory entity.** The CRRC shall be the supervisory entity to administer the rating program relating to reflectance and emittance ratings for roofing products, provided the Commission determines that the CRRC meets the criteria in Section 10-113(d).

1. The Commission may consider designating a supervisory entity other than CRRC if the Commission determines that the CRRC is not meeting the criteria in Section 10-113(d). Such other supervisory entity shall meet the criteria in Section 10-113(d) prior to being designated.
2. The Commission shall periodically review, at least annually, the structure and operations of the supervisory entity to ensure continuing compliance with the criteria in Section 10-113(d). The supervisory entity shall provide an annual report to the Commission explaining all of the measures it has taken to comply with the criteria in Section 10-113(d).

(d) **Criteria for supervisory entity.**

1. Membership in the entity shall be open on a nondiscriminatory basis to any person or organization that has an interest in uniform performance ratings for roofing products, including, but not limited to, members of the roofing industry, building industry, design professionals, specifiers, utilities, government agencies and public interest organizations. The membership shall be composed of a broad cross section of those interested in uniform thermal performance ratings for roofing products.
2. The governing body of the entity shall reflect a reasonable cross section of the interests represented by the membership.
3. The entity shall maintain a program of oversight of product manufacturers, laboratories and independent certifying organizations that ensures uniform application of the CRRC testing and rating procedures, labeling and rating, and such other rating procedures for other factors that improves the accuracy of properties of roofing products affecting energy performance as the CRRC and the Commission may adopt.

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4. The entity shall require manufacturers and independent certifying organizations within its program to use only laboratories accredited by the supervisory entity to perform tests in accordance with CRRC-1.
5. The entity shall maintain appropriate guidelines for testing laboratories and manufacturers, including requirements for adequate:
   A. Possession and calibration of equipment;
   B. Education, competence and training of personnel;
   C. Quality control;
   D. Record keeping and reporting;
   E. Periodic review including, but not limited to, blind testing by laboratories; inspections of products; and inspections of laboratories, and manufacturing facilities;
   F. Challenges to ratings; and
   G. Guidelines to maintain the integrity of the program, including, but not limited to, provisions to avoid conflicts of interest within the rating process.
6. The entity shall be a nonprofit organization and shall maintain reasonable, nondiscriminatory fee schedules for the services it provides, and shall make its fee schedules, the financial information on which fees are based and financial statements available to its members for inspection.
7. The entity shall provide hearing processes that give laboratories, manufacturers and certifying agencies a fair review of decisions that adversely affect them.
8. The entity shall maintain a policy committee or similar body whose procedures are designed to avoid conflicts of interest in deciding appeals, resolving disputes and setting policy for the certifying organizations in its program.
9. The entity shall publish at least annually a directory of rated products and products that are no longer rated by the CRRC.
10. The entity itself shall be free from conflict-of-interest ties or to undue influence from any particular roofing product manufacturing interest(s), testing or independent certifying organization(s).
11. The entity shall provide or authorize the use of labels that can be used to meet the requirements for showing compliance with the requirements of Sections 140.1, 140.2, 140.3(a)1, 141.0(b)2B, 150.1(c)11, 150.2(b)1I and 150.2(b)2, and this section.
12. The entity's rating program shall allow for multiple participants in each aspect of the program to provide for competition between manufacturers and between testing labs.

Authority: Sections *25402 and* 25402.1, Public Resources Code.

Reference: Sections *25007, 25008, 25218.5, 25310,* 25402, 25402.1, *25402.4, 25402.8*, 25910 *and 25943,* Public Resources Code.

10-114. Determination of outdoor lighting zones and administrative rules for use. This section establishes rules for implementing outdoor lighting zones to show compliance with Section 140.7 of Title 24, California Code of Regulations, Part 6.

(a) **Lighting zones.** Exterior lighting allowances in California vary by Lighting Zones (LZ).

(b) **Lighting zone characteristics.** Table 10-114-A specifies the relative ambient illumination level and the statewide default location for each lighting zone.

(c) **Amending the lighting zone designation.** A local jurisdiction may officially adopt changes to the lighting zone designation of an area by following a public process that allows for formal public notification, review and comment about the proposed change. The local jurisdiction may determine areas where Lighting Zone 4 is applicable and may increase or decrease the lighting zones for areas that are in State Default Lighting Zones 1, 2 and 3, as specified in Table 10-114-A.

Authority: Sections *25402 and* 25402.1, Public Resources Code.

Reference: Sections *25007, 25008, 25218.5, 25310,* 25402, 25402.1, *25402.4, 25402.5, 25402.8 and 25943,* Public Resources Code.

TABLE 10-114-A—LIGHTING ZONE CHARACTERISTICS AND RULES FOR AMENDMENTS BY LOCAL JURISDICTIONS

ZONE	AMBIENT ILLUMINATION	STATEWIDE DEFAULT LOCATION	MOVING UP TO HIGHER ZONES	MOVING DOWN TO LOWER ZONES
LZ0	Very Low	Undeveloped areas of government designated parks, recreation areas and wildlife preserves.	Undeveloped areas of government designated parks, recreation areas and wildlife preserves can be designated as LZ1 or LZ2 if they are contained within such a zone.	Not applicable.
LZ1	Low	Rural areas, as defined by the 2020 US Census. These areas include: single or dual family residential areas, parks, and agricultural zone districts, developed portion of government designated parks, recreation areas and wildlife preserves. Those that are wholly contained within a higher lighting zone may be considered by the local government as part of that lighting zone.	Developed portion of a government designated park, recreation area or wildlife preserve, can be designated as LZ2 or LZ3 if they are contained within such a zone. Retail stores, located in a residential neighborhood, and rural town centers can be designated as LZ2 if the business operates during hours of darkness.	Not applicable.

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TABLE 10-114-A—LIGHTING ZONE CHARACTERISTICS AND RULES FOR AMENDMENTS BY LOCAL JURISDICTIONS—continued				
ZONE	AMBIENT ILLUMINATION	STATEWIDE DEFAULT LOCATION	MOVING UP TO HIGHER ZONES	MOVING DOWN TO LOWER ZONES
LZ2	Moderate	Urban areas, as defined by the 2020 US Census. The following building types may occur here: multifamily housing, mixed use residential neighborhoods, religious facilities, schools, and light commercial business districts or industrial zoning districts.	Special districts within a default LZ2 zone may be designated as LZ3 or LZ4 by a local jurisdiction. Examples include special commercial districts or areas with special security considerations located within a mixed-use residential area or city center.	Special districts may be designated as LZ1 by the local jurisdiction, without any size limits.
LZ3	Moderately High	Urban areas, as defined by the 2020 US Census. The following building types may occur here: multifamily housing, mixed use residential neighborhoods, religious facilities, schools, and light commercial business districts or industrial zoning districts.	Special districts within a default LZ3 may be designated as LZ4 by local jurisdiction for high-intensity nighttime use, such as entertainment or commercial districts or areas with special security considerations requiring very high light levels.	Special districts may be designated as LZ1 or LZ2 by the local jurisdiction, without any size limits.
LZ4	High	None.	Not applicable.	Not applicable.

10-115. Community shared solar electric generation system or community shared battery energy storage system compliance option for onsite solar electric generation or battery energy storage requirements.

(a) **Community shared solar electric generation system or battery energy storage system (BESS) offset.** If approved by the commission, a community shared solar system, other community shared renewable system, community shared BESS or combination of the aforementioned systems (hereinafter referred to as a community shared solar or BESS) may be used as a compliance option to partially or totally meet the on-site solar electric generation system and/or BESS that is otherwise required by Section 140.0(c), 150.1(a)3 or 170.0(a)3 of Title 24, California Code of Regulations, Part 6. To be approved, the community shared solar electric generation or community shared BESS must demonstrate, to the Commission's satisfaction, that all the following requirements will be met:

1. **Enforcement agency.** The community shared solar electric generation system and/or community shared BESS shall be installed and available for enforcement agency site inspection, no later than the point in time the enforcement agency must physically verify compliance of the building, which would otherwise be required to have an on-site solar electric generation and/or BESS, and shall not cause delay in the process of enforcement agency review and approval of that building. The enforcement agency shall have jurisdiction and facilitated access to make site inspections. All documentation for the community solar electric generation system and/or community solar BESS that is required to demonstrate compliance for the building shall be completed prior to building permit application.
2. **Energy performance.** The community shared solar electric generation system and/or community shared BESS shall be demonstrated to provide the same or better energy performance equal to the partial or total compliance with the energy performance of the on-site solar electric generation and/or BESS that would otherwise have been required for the building, computed by compliance software certified for use by the Commission.
3. **Participating building energy savings benefits.** The community shared solar electric generation system and/or community shared BESS shall provide energy saving benefits directly to the building. The energy savings benefits allocated to the building shall be in the form of:
   A. Actual reductions in the energy consumption of the participating building;
   B. Energy reduction credits that will result in virtual reductions in the building's energy consumption that is subject to energy bill payments; or
   C. Payments to the building that will have an equivalent effect as energy bill reductions.

   The reduction in the building's energy bill resulting from A, B or C above shall be greater than the added cost to the building resulting from the building's share in the community shared solar and/or BESS.
4. **Durability, participation and building opt-out.**
   A. **Durability.** The community shared solar electric generation system and/or community shared BESS shall be designed and installed to provide the energy savings benefits to the participating building(s) specified in Section 10-115(a)3 for a period of no less than 20 years.
   B. **Participation.** The Administrator(s) approved by the Energy Commission pursuant to Section 10-115(b)1 shall ensure that all participating buildings, which use the community shared solar and/or community shared BESS to comply with Section 140.0(c), 150.1(a)3 or 170.0(a)3, remain participating buildings for no less than a 20-year period ("Participation Period"), regardless of who owns or occupies the participating building, unless the building owner discontinues participation after causing the on-site solar electric generation system to be installed and interconnected pursuant to the Opt-Out Requirements. For purposes of this Section, "Opt-Out Requirements" shall mean installation and interconnection of an on-site solar electric generation system that meets or exceeds the requirements of Section 140.0(c), 150.1(a)3 or 170.0(a)3 in effect at the time the builder applied for the original building

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permit for the participating building. To demonstrate compliance, the Administrator shall require either of the following:

i. **Equitable servitude.** As a condition for a building to participate, participating builders shall impose an equitable servitude through a properly recorded declaration of covenants, conditions and restrictions ("CC&Rs") or other properly recorded covenant, deed restriction or other legally binding method referenced in each deed transferring title for each participating building. This equitable servitude shall run with the land and obligate the original owner(s)/tenant(s) and all subsequent owner(s)/tenant(s) of the participating building to maintain the building's participation in the community shared solar and/or community shared BESS for the Participation Period, or ensure installation and interconnection of an on-site solar electric generation system that satisfies the Opt-Out Requirements. The equitable servitude shall specify that in order to discontinue participation in the community shared solar and/or BESS, the building owner must satisfy the Opt-Out Requirements. The builder shall ensure that the equitable servitude provides the Administrator approved by the Commission the right to enforce the above provisions. The equitable servitude shall remain in force for a period of 20 years from the date of first participation of the building in the community shared solar and/or BESS. The equitable servitude shall not be revocable. The equitable servitude shall be delivered to all responsible parties through transfer disclosure statements.

ii. **Other system**. The Commission may approve another program, structure or system by which an Administrator (or other entity approved by the Commission) ensures the requirements of this Section 10-115(a)4B will be satisfied for a Participation Period of no less than 20 years.

C. **Compliance documentation.** The Administrator shall maintain record(s) of the compliance documentation that determined the requirements for the on-site solar electric generation system and/or BESS to comply with the standards in effect at the time the builder applied for the original building permit, and which establishes participants' obligations to meet the Opt-Out Requirements. The Administrator shall provide a copy of this compliance documentation upon a participating building owner's request, to every new owner of a participating building when the Administrator is notified that title has transferred, and to any participating building owner who requests to Opt-Out.

D. **Building opt-out.** At any time during the Participation Period, a participating building owner shall have the option to discontinue the participation of the building in the community shared solar and/or BESS ("Opt-Out") if the building satisfies the Opt-Out Requirements.

i. Prior to Opt-Out, the building owner shall demonstrate that they have installed such an on-site solar electric generation system and met the Opt-Out Requirements by providing documentation from the installer of the on-site solar system or an attestation of the building owner with supporting documentation.

The building owner shall be responsible for all costs associated with documenting that the on-site solar generation system satisfies the Opt-Out Requirements.

ii. Upon receiving documentation regarding Opt-Out from a building owner, the Administrator shall compare the documentation to the compliance documentation specified in Section 10-115(a)4C and confirm whether, based on the documentation, the installed solar system meets or exceeds the Opt-Out Requirements. Within 30 days of a building owner providing documentation, the Administrator shall provide written confirmation to the building owner whether, based on the Administrator's review of that documentation, the on-site solar generation system satisfies the Opt-Out Requirements. The Administrator may, at its discretion, verify the documentation through a physical inspection. The Administrator shall maintain record of the documentation that demonstrates and confirms the on-site solar generation system met the Opt-Out requirements for the remainder of the Participation Period.

iii. Upon a building owner's exercise of the Opt-Out, all costs and benefits associated with participation in the community shared solar and/or BESS shall cease. If any balance of costs or benefits is owed to either party at the time of Opt-Out, such balance shall be paid to that party.

iv. The Administrator [or other entity approved by the Commission pursuant to Section 10-115(a)4Bii] shall not impose any penalty related to a participating building's Opt-Out, or charge participants for recuperation of unrealized revenue that would have been expected to accrue beyond the end of participation. If the Administrator (or other entity approved by the Commission) plans to charge any other fees at the time of building Opt-Out, the Application for Commission Approval shall explain the purpose of those fees.

5. **Additionality.** The community shared solar electric generation system and/or community shared BESS shall provide the energy savings benefits specified in Section 10-115(a)3 exclusively to the participating building(s). Those energy savings benefits shall in no way be attributed to other purposes or transferred to other buildings or property.

A. The participating building(s) shall be served primarily by renewable resources developed specifically for the community solar electric generation system.

B. Other renewable resources may be used when participating buildings are permitted before the renewable resources developed for the program start operating or after they cease operating. During these times, other renewable resources may be used to meet the requirements of Section 10-115(a)4 for each participating building.

C. The renewable resources, including those developed primarily to serve participating buildings and those utilized to serve participating buildings during the time periods described in Section 10-115(a)5B for the purpose of meeting the requirements of Section 10-115(a)4, shall meet the following requirement:

i. For each renewable resource used to serve participating buildings, bundled Renewable Energy Credits (RECs), which satisfy the criteria of Portfolio Content Category 1, shall be retired and tracked in the Western Renewable Energy Generation Information System (WREGIS) on the behalf of program participants, to ensure that they will not be allocated to or used for any other purpose, including Renewable Performance Standard (RPS) compliance, resale of RECs or renewable generation to any other person or entity, or any other mandatory or voluntary renewable electricity program requirement or claim.

D. Renewable resources developed to serve participating buildings may also be used to serve other loads when there is excess generation beyond what is needed to serve participating buildings. Any excess generation used for such other loads shall be isolated from the generation serving participating buildings, and shall not result in violation of Section 10-115(a)5C.

6. **Location.** The community shared solar electric generation system and/or community shared BESS shall be located on a distribution system of the load serving entity providing service to the participating buildings. The distribution system shall have an electrical voltage less than 100 kV.

7. **Size.** The community shared solar electric generation system and/or community shared BESS shall not be served by any individual source larger than 20 MW.

8. **Accountability and recordkeeping.** Applicants for Commission approval of community shared solar electric generation systems and/or community shared BESS shall be accountable to all parties who relied on these systems for partial or total compliance with the on-site solar electric generation and/or BESS that would otherwise be required, including but not limited to builders of the buildings, owners of the buildings, enforcement agencies and the Commission.

A. Each year beginning twelve months after initial approval, the Administrator shall provide to the Commission a report demonstrating the previous year's compliance with each requirement of Section 10-115.

B. Recordkeeping regarding compliance with the requirements in Section 10-115(a) shall be maintained over the period of time specified in Section 10-115(a)4 for each building for which the community shared solar electric generation or BESS is used to demonstrate partial or total compliance. Access to these records shall be provided to any entity approved by the Commission for auditing compliance with these requirements.

(b) **Application for commission approval.** Any entity may apply to the Commission for approval to administer a community shared solar electric generation or community shared BESS to provide partial or total compliance with the on-site solar electric generation system and/or BESS required by Section 150.1 of Title 24, California Code of Regulations, Part 6. Once approved, the entity shall be the Administrator of the community shared solar electric generation or community shared BESS.

1. The application shall demonstrate to the Commission's satisfaction that each of the requirements specified in Section 10-115(a) will be met and shall include detailed explanation of the actions that will be taken by the applicant to ensure that each requirement is met over the period of time specified in Section 10-115(a)4 for each building for which a partial or total offset is used to demonstrate compliance.

2. All applicants have the burden of proof to establish that their application should be granted.

3. Applications from public agencies shall be submitted to the Energy Commission only after public review through at least one public meeting within the jurisdiction of the public entity or service area of the load-serving entity and adoption by the public agency. The Commission shall have the authority to not approve any application that the Commission determines to be inconsistent with the requirements of Section 10-115.

(c) **Executive director approval of revised applications.** The Administrator of an approved community shared solar electric generation system and/or community shared BESS shall submit a revised application demonstrating compliance with the Section 10-115 requirements to the Executive Director for approval, when:

1. A new renewable resource is proposed to be added to a community shared solar electric generation system and/or community shared BESS, and/or

2. The Commission modifies the requirements of Section 10-115 in a building standards rulemaking. Such modified requirements would not apply retroactively to the buildings for which building permit applications are submitted prior to the effective date of the modified standards or to the continued use of previously approved renewable resources developed to serve a community shared solar electric generation system and/or community shared BESS.

Within 60 days of receiving a revised application, the Executive Director may either approve the revised application by letter if the Executive Director concludes that the requirements of Section 10-115 will be met, request the Administrator to resubmit their revised application with changes, or disapprove the application. If the Executive Director disapproves the application, the applicant may request that the Commission review the Executive Director's determination. The petition must be filed in writing in accordance with Title 20, California Code of Regulations, Section 1208 within 15 days of the date of the filing of the Executive Director's determination and must state the basis for requesting review of the Executive Director's determination. Within 45 days of receiving a request for review, the Commission shall issue a written decision affirming or modifying the Executive Director's determination. If the Commission does not issue a written decision within 45 days, the request for review shall be deemed denied. The Administrator shall have the burden of proof to establish that its revised application should be approved.

Authority: Sections 25213, 25218, 25218.5, 25402, 25402.1 and 25605, Public Resources Code.

Reference: Sections *25007, 25008, 25218.5, 25310,* 25402, 25402.1, *25402.4, 25402.8, 25605 and 25943,* Public Resources Code.

10-116. Third-party alternative calculation method compliance software.

(a) **Scope.** The requirements of this section apply to Alternative Calculation Method (ACM) compliance software used to demonstrate compliance with Part 6 that are developed by third-party software developers as specified by Section 10-109(c)3.

(b) **Application.** Applications for approval of ACM candidate compliance software must include the following materials:

1. Compliance software vendor certification statement that ACM candidate compliance software meets requirements and successfully passes tests specified in the Alternative Calculation Method Reference Manual.
2. Computer runs and summary sheets including, but not limited to, input and output files, files necessary for transferring information to an ECC-Provider (if required), and a summary of the compliance results from required computer runs.

   Candidate compliance software runs shall be modeled as specified in the Alternative Calculation Method Reference Manual. Vendor of the ACM compliance software may propose alternate tests from those specified in the Alternative Calculation Method Reference Manual when the vendor of the ACM compliance software believes that one or more of the standard tests are not appropriate for the ACM candidate compliance software. Alternative tests will be evaluated by the Energy Commission on a case-by-case basis and will be applied if the proposed tests compare features of the ACM candidate compliance software to the Energy Commission public domain computer program.
3. User manual and changelog describing the functional and analytical capabilities of the ACM candidate compliance software or a complete list of changes to the ACM compliance software. Vendor of the ACM compliance software shall make a copy of their user manual available to all building departments in California.

   The user manual shall provide a thorough explanation of the following:

   A. **Software capabilities.** A section that discusses the program capabilities. Reference may be made to other sections of the user manual for more complete descriptions, if appropriate.

   B. **Preparing basic input.** Description of the basic use of the compliance software for compliance. This section shall include a complete summary of all inputs and commands necessary for compliance.

   C. **Checklist for compliance submittal.** A checklist of all items that must be included in a compliance submittal to the enforcement agency using the compliance software.

   D. **Sample compliance documentation.** Complete set of compliance documentation for a sample building. The example shall include all documentation and standard reports that would normally be submitted to an enforcement agency. This example shall be usable as a model for compliance software users and enforcement agencies to demonstrate a proper compliance submittal.

   E. **Compliance statement.** The following statement shall appear within the first three pages of the user manual, "[Compliance software name] may be used to show compliance with California 2025 Building Energy Efficiency Standards."

   F. **Related publications.** References to the Building Energy Efficiency Standards, Residential Compliance Manual, and Nonresidential Compliance Manual and where to find these publications.
4. Executable ACM candidate compliance software.
5. Alternative nonresidential energy simulation engine that meets all of the requirements of ASHRAE 140 (2023), including Annex A3, and produces results that are accurate to the simulation results of the Energy Commission public domain computer program.
6. Application fee deposit of $1,000 for ACM candidate compliance software that has not been previously approved by the Energy Commission, or for the first approval following an update to the Title 24, Part 6 Building Energy Efficiency Standards.

(c) **Approval process.** For approval of an application, the following procedures apply:

1. Submit application**.** Four copies of an application must be submitted to the Energy Commission.
2. Correspondence with the Energy Commission. Provide additional information or address specific change requests made by the Energy Commission.

   The Commission may take the following actions on an application submitted pursuant to this section:

   A. Approve the application unconditionally;

   B. Restrict approval to specified occupancies, designs, materials, or devices; or

   C. Reject the application.
3. Application fee deposit review. Address additional review costs including additional fees to cover the total costs if greater than the application fee deposit, or refund if the cost of reviewing the application is less than the application fee deposit.
4. Business meeting approval or approval by the Executive Director.

Once approved, the ACM compliance software may be used by users and building officials to demonstrate compliance.

(d) **ACM compliance software updates.** When revisions are made to ACM compliance software, the following procedures apply:

1. Revisions that result in major changes to ACM compliance software, that result in changes that would affect compliance values, or that match rules established for modeling compliance software documented in the Energy Conservation and Alternative Calculation Method (ACM) Reference Manuals.

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A. Updated ACM compliance software shall comply with the approval process in Sections 10-116(c) and 10-110. The Energy Commission schedule will be based on the extent of change to the Energy Commission public domain software and is no shorter than 90 days.

B. Incorporate changes from the Energy Commission public domain program by directly incorporating the new version of the Energy Commission public domain program or updating alternative nonresidential energy simulation engines to produce results that are accurate to the new version of the Energy Commission public domain program.

C. Upon approval of updated ACM compliance software, previous versions of the ACM compliance software will expire 90 days after approval of the new version.

2. Revisions that result in minor changes to the ACM compliance software, user interface, or software updates that do not change compliance values.

A. If the Energy Commission determines that the minor change must be incorporated on a specific schedule, updated ACM compliance software must go through the approval process based on the Energy Commission schedule. The Energy Commission schedule will be based on the extent of change to the Energy Commission public domain software and is no shorter than 45 days.

B. Incorporate changes from the Energy Commission public domain program by directly incorporating the new version of the Energy Commission public domain program or updating alternative nonresidential energy simulation engines to produce results that are accurate to the new version of the Energy Commission public domain program.

C. Upon approval of updated ACM compliance software, previous versions of the ACM compliance software will expire 60 days after approval of the new version.

Rules established in the Alternative Calculation Method Reference Manual will be updated no more than twice annually in January and July. If ACM compliance software relies on rules that are updated in the Alternative Calculation Method Reference Manual, then the ACM compliance software must be updated. ACM compliance software that is not updated will be decertified.

(e) **Expiration.** Approval of an ACM compliance software expires and is replaced by approval of a newer version as part of the typical cycle of updating ACM compliance software to account for bug fixes and changes to the Energy Commission public domain program.

(f) **Decertification.** Decertification is the formal process of withdrawing approval of ACM compliance software as a result of the following:

1. Building Energy Efficiency Standards undergo substantial changes such that the software would fail to confirm compliance with the Building Energy Efficiency Standards.
2. A letter from the vendor of the ACM compliance software requesting that a particular version(s) of ACM compliance software be decertified and describing the reasons why decertification is appropriate.
3. An "initiating party" commences a procedure to decertify an ACM compliance software version(s) according to the following process:

A. Submit review request. Written communication to the Energy Commission's Executive Director with copies to the Building Standards Office including the name of the ACM compliance software and version, nature of the error, explanation for why the error requires decertification, and appropriate data or other information relevant to evaluate the error.

B. Correspondence with interested parties. The Executive Director shall notify and make a copy of the initial written communication available to the vendor of the ACM compliance software and any known interested parties within 30 days of receipt. Interested parties shall have 45 days from the date of the notification provided by the Executive Director to submit comments to the Energy Commission relating to the request.

C. Correspondence with initiating parties. The Executive Director may request additional information needed to evaluate the identified error within 75 days of receipt of the written communication. The initiating party must respond withing 30 days of the request for additional information.

D. Workshop. The Executive Director may convene a workshop within 75 days of receipt of the written communication to gather additional information from the initiating party, the vendor of the ACM compliance software, and interested parties. All parties shall have 15 days after a workshop to submit additional information regarding the error.

E. Determination. Within 90 days of receipt of the written communication, or within 30 days of receipt of complete additional information requested of the initiating party, whichever is later, the Executive Director shall either determine that the ACM compliance need not be decertified or submit to the Commission a written recommendation that the ACM compliance software be decertified.

F. Decertification. If it is determined that the ACM compliance software be decertified, it shall take effect 60 days later. Within the first 30 days of the 60-day period, the Executive Director shall send out a notice to building officials and interested parties announcing the decertification.

All initiating parties have the burden of proof to establish that the review of ACM compliance software errors should be performed. The decertification process may be terminated at any time by mutual consent of the initiating party and the Executive Director.

The vendor of the ACM compliance software may use the period outlined here to update the compliance software, obtain approval by the Energy Commission, and release a revised version that corrects the error initially brought to the attention of the Commission.

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HISTORY NOTE APPENDIX FOR CHAPTER 10

Administrative Regulations for the California Energy Commission
California Code of Regulations, Title 24, Part 1

HISTORY:

The history notes for prior changes remain within the text of this code.

1. (CEC 1/97) Regular order by the California Energy Commission to amend Article 1, 1998 Energy Efficiency Standards. Filed with the secretary of state on December 3, 1997; effective January 22, 1998. Approved by the California Building Standards Commission on November 18, 1997.
2. (CEC-EF 1/01) Emergency adoption of AB 970 energy efficiency standards for residential and nonresidential buildings; CCR, Title 24, Parts 1 and 6. Approved by the California Building Standards Commission on January 31, 2001, and filed with the secretary of state on February 2, 2001, effective June 1, 2001.

   Exception: Building energy efficiency standards compliance documentation submitted prior to June 1, 2001, using the Multiple Orientation Alternative to Section 151(c) shall be used to determine compliance through December 31, 2001.
3. (CEC 03/02) Approval of energy efficiency standards, which adopt by reference the National Fenestration Rating Council's (NFRC) 2002 window rating and labeling procedures; CCR, Title 24, Parts 1 and 6. Approved by the California Building Standards Commission on May 14, 2003, and filed with the Secretary of State on May 16, 2003. Effective June 14, 2003.
4. (CEC 01/03) 2005 building energy efficiency standards approved by the California Building Standards Commission on July 21, 2004, for publication in California Code of Regulations, Title 24, Parts 1 and 6; filed with the Secretary of State September 24, 2004; published April 1, 2005; effective October 1, 2005.
5. (CEC 01/07) Update of 2007 building energy efficiency standards in response to AB 32 (Nuñez, Chap. 488, Stats. of 2006) and SB 1 (Murray, Chap. 132, Stats. of 2006), approved by the California Building Standards Commission on September 11, 2008; filed with the Secretary of State September 12, 2008; effective 30 days after filing with the Secretary of State [Health and Safety Code §18938(c)].
6. Erratum to change the effective date of the supplement published on January 1, 2009, from August 1, 2009, to January 1, 2010.
7. (CEC 01/12 & 02/12) Updates to the administrative provisions for the California Energy Commission - Chapter 10, Sections 10-102, 10-103, 10-103A, 10-103B, 10-104, 10-105, 10-106, 10-107, 10-109, 10-110, 10-111, 10-112, 10-113 and 10-114, Approved by the California Building Standards Commission on January 23, 2013, filed with the Secretary of State on January 28, 2013, and effective 30 days after filing with Secretary of State.
8. (CEC 01/12) A delayed effective date for the energy based provisions within the 2013 California Administrative Code was approved at the April 22, 2014 California Building Standards Commission meeting. The new effective date for these provisions is July 1, 2014.
9. (CEC 02/15) Updates to the administrative provisions for the California Energy Commission - Chapter 10, Sections 10-101, 10-102, 10-103, 10-105, 10-106, 10-108, 10-109, 10-111, 10-113 and 10-114. Approved by the California Building Standards Commission on January 19, 2016, filed with the Secretary of State on January 26, 2016, and effective 30 days after filing with Secretary of State.
10. 2018 Triennial Code Adoption Cycle (CEC 02/18) Amend Chapter 10, Article 1, Section 10-102, 10-103, 10-103.1, 10-103.2, 10-106, 10-109, 10-110, 10-111, 10-113; Added to Chapter 10, Article 1, Section 10-115. Approved by the California Building Standards Commission on December 5, 2018, filed with the Secretary of State on December 7, 2018, and effective 30 days after filing with the Secretary of State pursuant to *California Health and Safety Code,* Section 18938.
11. Erratum to correct History Note format in Chapter 10: effective January 1, 2020.
12. (CEC 04/21) Amend Chapter 10, Article 1, Sections 10-102, 10-103, 10-103.1, 10-103.2, 10-109, 10-114, 10-115. Approved by the California Building Standards Commission on December 14, 2022, filed with the Secretary of State on January 6, 2022, and effective on January 1, 2023.
13. (CEC 01/24) Amend Chapter 10, Article 1, Sections 10-102, 10-103, 10-103.1, 10-103.2, 10-104, 10-109, 10-110, 10-111, 10-114, 10-115. Add Chapter 10, Article 1, Sections 10-103.3, 10-116. Approved by the California Building Standards Commission on December 17, 2024, filed with the Secretary of State on January 16, 2025, and effective January 1, 2026.

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CHAPTER
11

ADMINISTRATIVE REGULATIONS FOR THE DEPARTMENT OF FOOD AND AGRICULTURE (AGR)

(RESERVED)

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CHAPTER
12

ADMINISTRATIVE REGULATIONS FOR THE DEPARTMENT OF YOUTH AUTHORITY (YA)

(RESERVED)

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CHAPTER
13

ADMINISTRATIVE REGULATIONS FOR THE BOARD OF STATE AND COMMUNITY CORRECTIONS (BSCC)

ARTICLE 1—MINIMUM STANDARDS FOR LOCAL DETENTION FACILITIES

13-101. County correctional facility capital expenditure fund.

(a) **Definitions.** The following words where used in this subchapter shall have the meaning hereafter ascribed to them, unless the context of their use clearly requires a different meaning.

BOARD means Board of State and Community Corrections.

COUNTY CORRECTIONAL FACILITY CAPITAL EXPENDITURE FUND means moneys received from the sale of State of California General Obligation Bonds as authorized by the County Correctional Facility Capital Expenditure Bond Act of 1986.

CONTRACT means the written agreement and any amendments thereto between the State Board and a county in which the terms, provisions and conditions governing the funds are stated.

(b) **Fund award conditions.**

1. Prior to entering into a contract with a county, the Board shall ensure that the county is ready to proceed with construction. A county shall be deemed ready to proceed with construction when it has done all of the following:
   A. Received approval by the State Fire Marshal for compliance with fire safety regulations in the plans, specifications and working drawings for the facility to be constructed.
   B. Received approval for compliance with minimum jail standards by the Board as described in Title 15, Chapter 1, Subchapter 2, Sections 546 and 548.
   C. Met all other requirements contained in Title 15, Chapter 1, Subchapter 2, Section 544.

(c) **Preparation of architectural drawings and specifications.**

1. Architectural drawings and specifications shall be submitted to the Board by dates and in a manner prescribed by the Board.
2. After review of the drawings and specifications, the Board shall notify the county, in writing, of any major deficiencies. Deficiencies may be identified as either failures to comply with minimum jail standards, or as design features which will pose serious operational or management problems if uncorrected even though no minimum jail standards are violated.
3. Deficiencies in compliance with minimum jail standards shall be corrected by the county prior to advertising for bids.
4. At least 30 days prior to entering into a contract with the county, the Board shall inform the sheriff and the board of supervisors in writing of other design deficiencies posing serious operational or management problems.
5. At the time the county submits its final architectural plans and specifications for review and approval, it shall also submit a preliminary staffing plan for the proposed facility, along with an analysis of other anticipated operating costs for the facility, which have been reviewed and approved by the board of supervisors in a public hearing. The sheriff shall review the staffing plan and operating cost analysis, and his written comments shall accompany this submittal. At a minimum, this plan shall include the following:
   A. Transition team program statement and costs.
   B. Staffing requirements under the proposed design capacity.
   C. Shift and post identification of staff for the proposed facility, delineated by custody and support staff.
   D. Analysis of 30-year life cycle operating costs and maintenance and energy costs for the proposed facility.
   E. Identification of, and revenue sources for, additional funds needed to support the staffing levels and operating costs for the proposed facility.

(d) **Variance.**

1. The Board may grant a variance from any Board requirement contained herein for good and sufficient reason. Such a variance may be granted by the Board only upon the written application therefore and documentation thereof. The request for a variance shall contain the following:
   A. Name and address of requestor.
   B. The specific requirement for which variance is being requested.
   C. The supporting reasons for a variance request.
   D. A copy of the variance request shall be sent to the Board by requestor. The staff shall summarize the issues involved and cause the matter to be placed on a Board meeting agenda in an expeditious manner. The requestor will be given an opportunity to be heard by the Board for the purpose of presenting oral argument in support of its request for a variance.

(e) **Project modifications.**

1. Project modifications which are proposed after a contract is signed which (1) substantially alter the design or scope of the project, (2) substantially alter the design, location, size, capacity or quality of major items or equipment, or (3) increase the amount of state funds needed to complete the project, require prior written approval of the Board.

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2. Construction change orders which propose a substantial increase in jail capacity or a substantial change in project concept or cost require prior written approval of the Board. Other change orders will not require prior approval. Summaries of all change orders shall be submitted to the Board monthly in a format approved by the Board.

Note: See also Title 15, Chapter 1, Subchapter 2, Section 568.

(f) **Purpose.** The appeal hearing procedures are intended to provide a review concerning the application and enforcement of standards and regulations governing the administration of the County Correctional Facility Capital Expenditure Fund. A county may appeal on the basis of alleged misapplication, capricious enforcement of regulations, or substantial differences of opinion as may occur concerning the proper application of regulations or procedures.

(g) **Definitions applying to appeal procedures.** For purpose of this article, the following definitions shall apply:

APPEAL HEARING means an administrative procedure providing an appellant with an opportunity to present the facts of the appeal for a formal decision concerning matters raised pursuant to the purposes set forth in subsection (f), above.

APPELLANT means a county which files a request for an appeal hearing.

EXECUTIVE OFFICER means the Executive Officer of the Board.

REQUEST FOR APPEAL HEARING means a clear written expression of dissatisfaction about a procedure or action taken and a request for a hearing on the matter and filed with the Executive Officer of the Board.

FILING DATE means the date a request for an appeal hearing is received by the Executive Officer of the Board.

AUTHORIZED REPRESENTATIVE means an individual authorized by the appellant to act as his/her representative in any or all aspects of the hearing.

HEARING PANEL means a panel comprised of three members of the Board who shall be selected by the chairperson at the time the appeal is filed. A fourth member may be designated as an alternate. Members designated to the hearing panel shall not be employed by or be residents of the county submitting the appeal nor shall they be employed by any other county that has a funded project or is seeking funds.

PROPOSED DECISION means a written recommendation from the hearing panel/hearing officer to the full Board containing a summary of facts and a recommended decision on the appeal.

NOTICE OF DECISION means a written recommendation from the hearing panel/hearing officer to the full Board containing a summary of facts and a recommended decision on the appeal.

(h) **Request for appeal hearing by Board.**

1. If a county is dissatisfied with an action of the Board staff, it may file a request for an appeal hearing with the Board. Such appeal shall be filed within 30 calendar days of the notification of the action with which the county is dissatisfied.
2. The request shall be in writing and:
   A. Shall state the basis for the dissatisfaction.
   B. Shall state the action being requested of the Board.
   C. Shall include as attachments any correspondence related to the appeal with and from the Executive Officer.

(i) **Board hearing procedures.**

1. The hearing shall be conducted by a hearing panel designated by the Chairperson of the Board at a reasonable time, date and place, but not later than 21 days after the filing of the request for hearing with the Board, unless delayed for good cause. The Board shall mail or deliver to the appellant or authorized representative a written notice of the time and place of hearing not less than 7 days prior to the hearing.
2. The procedural time requirements may be waived with mutual written consent of the parties involved.
3. Appeal hearing matters shall be set for hearing, heard and disposed of by a notice of decision within 60 days from the date of the request for appeal hearing, except in those cases where the appellant withdraws or abandons the request for hearing or the matter is continued for what is determined by the hearing panel to be good cause.
4. An appellant may waive a personal hearing before the hearing panel and under such circumstances, the hearing panel shall consider the written information submitted by the appellant and other relevant information as may be deemed appropriate.
5. The hearing is not formal in nature. Pertinent and relevant information, whether written or oral, will be accepted. Hearings will be tape recorded.
6. After the hearing has been completed, the hearing panel shall submit a proposed decision in writing to the Board at its next regular public meeting.

(j) **State Board decision.**

1. The Board, after receiving the proposed decision, may:
   A. Adopt the proposed decision.
   B. Decide the matter on the record with or without taking additional evidence, or
   C. Order a further hearing to be conducted if additional information is needed to decide the issue.
2. After the hearing panel's proposed decision is adopted, or an alternate decision is rendered by the Board, or notice of new hearing ordered, notice of decision or other such actions shall be mailed or otherwise delivered by the Board to the appellant.

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3. The record of the testimony, exhibits, all papers and requests filed in the proceedings and the hearing panel's proposed decision, shall constitute the exclusive record for decision and shall be available to the appellant at any reasonable time for one year after the date of the Board's notice of decision in the case.
4. The decision of the Board shall be final.

Note: Amendments to Section 13-102 effective November 25, 1993.

13-102. Minimum standards for local detention facilities.

(a) **Definitions.** The following definitions shall apply:

ADMINISTERING MEDICATION, as it relates to managing legally obtained drugs, means the act by which a single dose of medication is given to a patient. The single dose of medication may be taken either from stock (undispensed) or dispensed supplies.

ADMINISTRATIVE SEPARATION means the physical separation of different types of incarcerated persons from each other as specified in Penal Code Sections 4001 and 4002, and Section 1053 of Title 15, C.C.R. Administrative separation is accomplished to provide that level of control and security necessary for good management and the protection of staff and incarcerated persons.

ALTERNATE MEANS OF COMPLIANCE means a process for meeting or exceeding standards in an innovative way, after a pilot project evaluation, approved by the Board of State and Community Corrections pursuant to an application.

AVERAGE DAILY POPULATION means the average number of incarcerated persons housed daily during the last fiscal year.

BOARD OF STATE AND COMMUNITY CORRECTIONS means the Board of State and Community Corrections, whose board acts by and through its executive director, deputy directors and field representatives.

CONCEPT DRAWINGS means, with respect to a design-build project, any drawings or architectural renderings that may be prepared, in addition to performance criteria, in such detail as the agency determines necessary to sufficiently describe the agency's needs.

CONTACT means any physical or sustained sight or sound contact between juveniles in detention and incarcerated adults. Sight contact is clear visual contact between incarcerated adults and juveniles within close proximity to each other. Sound contact is direct oral communication between incarcerated adults and juvenile offenders.

COURT HOLDING FACILITY means a local detention facility constructed within a court building after January 1, 1978, used for the confinement of persons solely for the purpose of a court appearance for a period not to exceed 12 hours.

CUSTODIAL PERSONNEL means those officers with the rank of deputy, correctional officer, patrol persons or other equivalent sworn or civilian rank whose duties include the supervision of incarcerated persons.

DELIVERING MEDICATION, as it relates to managing legally obtained drugs, means the act of providing one or more doses of a prescribed and dispensed medication to a patient.

DESIGN-BID-BUILD means a construction procurement process independent of the design process and in which the construction of a project is procured based on completed construction documents.

DESIGN-BUILD means a construction procurement process in which both the design and construction of a project are procured from a single entity.

DEVELOPMENTALLY DISABLED means those persons who have a disability which originates before an individual attains age 18, continues, or can be expected to continue indefinitely, and constitutes a substantial disability for that individual. This term includes cognitive and intellectual disabilities, cerebral palsy, epilepsy and autism, as well as disabling conditions found to be closely related to cognitive and intellectual disabilities or to require treatment similar to that required for mentally retarded individuals.

DIRECT VISUAL OBSERVATION means direct personal view of the incarcerated person in the context of their surroundings without the aid of audio/video equipment. Audio/video monitoring may supplement but not substitute for direct visual observation.

DISABILITY means a physical or mental impairment that substantially limits one or more major life activities; a record or history of such an impairment; or is regarded or perceived by others as having such an impairment.

DISCIPLINARY SEPARATION means the status assigned a person as the result of violating facility rules and which consists of confinement in a cell or housing unit.

DISPENSING, as it relates to managing legally obtained drugs, means the interpretation of the prescription order, the preparation, repackaging and labeling of the drug based upon a prescription from a physician, dentist or other prescriber authorized by law.

DISPOSAL, as it relates to managing legally obtained drugs, means the destruction of medication or its return to the manufacturer or supplier.

EMERGENCY means any significant disruption of normal facility procedure, policies or activities caused by a riot, fire, earthquake, attack, strike or other emergent condition.

EMERGENCY MEDICAL SITUATIONS means those situations where immediate services are required for the alleviation of severe pain, or immediate diagnosis and treatment of unforeseeable medical conditions are required, if such conditions would lead to serious disability or death if not immediately diagnosed and treated.

EXERCISE means activity that requires physical exertion of the large muscle group.

FACILITY/SYSTEM ADMINISTRATOR means the sheriff, chief of police, chief probation officer or other official charged by law with the administration of a local detention facility/system.

FACILITY MANAGER means the jail commander, camp superintendent or other comparable employee who has been delegated the responsibility for operating a local detention facility by a facility administrator.

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FACILITY WATCH COMMANDER means the individual designated by the facility manager to make operational decisions during their tour of duty.

HEALTH AUTHORITY means that individual or agency that is designated with responsibility for health care policy pursuant to a written agreement, contract or job description. The health authority may be a physician, an individual or a health agency. In those instances where medical and mental health services are provided by separate entities, decisions regarding mental health services shall be made in cooperation with the mental health director. When this authority is other than a physician, final clinical decisions rest with a single designated responsible physician.

HEALTH CARE means medical, mental health and dental services.

JAIL, as used in Article 8, means a Type II or III facility as defined in the "Minimum Standards for Local Detention Facilities."

LABELING, as it relates to managing legally obtained drugs, means the act of preparing and affixing an appropriate label to a medication container.

LAW ENFORCEMENT FACILITY means a building that contains a Type I Jail or Temporary Holding Facility or Lockup. It does not include a Type II or III jail, which has the purpose of detaining adults, charged with criminal law violations while awaiting trial or sentenced adult criminal offenders.

LEGEND DRUGS are any drugs defined as "dangerous drugs" under Chapter 9, Division 2, Section 4211 of the *California Business and Professions Code.* These drugs bear the legend, "Caution Federal Law Prohibits Dispensing without a Prescription." The Food and Drug Administration (FDA) has determined, because of toxicity or other potentially harmful effects, that these drugs are not safe for use except under the supervision of a health care practitioner licensed by law to prescribe legend drugs.

LIVING AREAS means those areas of a facility utilized for the day-to-day housing and activities of incarcerated persons. These areas do not include special use cells such as sobering, safety, and holding or staging cells normally located in receiving areas.

LOCAL DETENTION FACILITY means any city, county, city and county, or regional jail, camp, court holding facility or other correctional facility, whether publicly or privately operated, used for confinement of adults or of both adults and minors, but does not include that portion of a facility for confinement of both adults and minors which is devoted only to the confinement of minors.

LOCAL DETENTION SYSTEM means all of the local detention facilities that are under the jurisdiction of a city, county or combination thereof, whether publicly or privately operated. Nothing in the standards are to be construed as creating enabling language to broaden or restrict privatization of local detention facilities beyond that which is contained in other statute.

LOCAL HEALTH OFFICER means that licensed physician who is appointed pursuant to Health and Safety Code Section 101000 to carry out duly authorized orders and statutes related to public health within their jurisdiction.

LOCKUP means a locked room or secure enclosure under the control of a peace officer or custodial officer that is primarily used for the temporary confinement of adults who have recently been arrested; sentenced persons who are incarcerated workers may reside in the facility to carry out appropriate work.

MAY. "May" is permissive; "shall" is mandatory.

MENTAL HEALTH DIRECTOR means that individual who is designated by contract, written agreement or job description, to have administrative responsibility for the facility or system mental health program.

NONSECURE CUSTODY means that a minor's freedom of movement in a law enforcement facility is controlled by the staff of the facility; and

(1) the minor is under constant direct visual observation by the staff;

(2) the minor is not locked in a room or enclosure; and,

(3) the minor is not physically secured to a cuffing rail or other stationary object.

NONSENTENCED means an incarcerated person with any pending local charges or one who is being held solely for charges pending in another jurisdiction.

OVER-THE-COUNTER (OTC) DRUGS, as it relates to managing legally obtained drugs, are medications which do not require a prescription (nonlegend).

PERFORMANCE CRITERIA means, with respect to a design-build project, the information that fully describes the scope of the proposed project and includes, but is not limited to, the size, type and design character of the buildings and site; the required form, fit, function, operational requirements and quality of design, materials, equipment and workmanship; and any other information deemed necessary to sufficiently describe the agency's needs; including documents prepared pursuant to paragraph (1) of subdivision (d) of Section 20133 of the Public Contract Code.

PILOT PROJECT means an initial short-term method to test or apply an innovation or concept related to the operation, management or design of a local detention facility pursuant to application to, and approval by, the Board of State and Community Corrections.

PRELIMINARY DRAWINGS means, with respect to a design-build project, a site plan, architectural floor plans, elevations, outline specifications and a cost estimate for each utility, site development, conversion and remodeling project. The drawings shall be sufficiently descriptive to accurately convey the location, scope, cost and the nature of the improvement being proposed.

PROCUREMENT, as it relates to managing legally obtained drugs, means the system for ordering and obtaining medications for facility stock.

PSYCHOTROPIC MEDICATION means any medication prescribed for the treatment of symptoms of psychoses and other mental and emotional disorders.

RATED CAPACITY means the number of incarcerated occupants for which a facility's single and double occupancy cells or dormitories, except those dedicated for health care or disciplinary separation housing, were planned and designed in conformity to the standards and requirements contained herein and in Title 15, C.C.R.

REGIONAL CENTER FOR DEVELOPMENTALLY DISABLED means those private agencies throughout the state, funded through the Department of Developmental Services which assure provision of services to persons with developmental disabilities. Such centers will be referred to as regional centers in these regulations.

REMODEL means to alter the facility structure by adding, deleting or moving any of the building's components, thereby affecting any of the spaces specified in Title 24, Section 1231.

REPACKAGING, as it relates to managing legally obtained drugs, means the transferring of medications from the original manufacturer's container to another properly labeled container.

REPAIR means to restore to original condition or replace with like-in-kind.

SAFETY CHECKS means direct, visual observation performed at random intervals within timeframes prescribed in these regulations to provide for the health and welfare of incarcerated people.

SECURE CUSTODY means that a minor being held in temporary custody in a law enforcement facility is locked in a room, enclosure, or physically secured to a cuffing rail or other stationary object.

SECURITY GLAZING means a glass/polycarbonate composite glazing material designed for use in detention facility doors and windows and intended to withstand measurable, complex loads from deliberate and sustained attacks in a detention environment.

SENTENCED means a person that has been sentenced/committed to custody in a local detention facility.

SHALL is mandatory; "may" is permissive.

SOBERING CELL as referenced in Section 1056, refers to an initial "sobering up" place for people who are sufficiently intoxicated from any substance to require a protected environment to prevent injury by falling or victimization by other inmates.

STORAGE, as it relates to legally obtained drugs, means the controlled physical environment used for the safekeeping and accounting of medications.

SUPERVISION IN A LAW ENFORCEMENT FACILITY means that a minor is being directly observed by the responsible individual in the facility to the extent that immediate intervention or other required action is possible.

SUPERVISORY CUSTODIAL PERSONNEL means those staff members whose duties include direct supervision of custodial personnel.

TEMPORARY CUSTODY means that the minor is not at liberty to leave the law enforcement facility.

TEMPORARY HOLDING FACILITY means a local detention facility constructed after January 1, 1978, used for the confinement of persons for 24 hours or less pending release, transfer to another facility or appearance in court.

TYPE I FACILITY means a local detention facility used for the detention of persons, for not more than 96 hours, excluding holidays, after booking. Such a Type I facility may also detain persons on court order either for their own safekeeping or those committed to a city jail or may house people sentenced to the county jail provided such placement in the facility is made on a voluntary basis on the part of the person incarcerated. As used in this section, an incarcerated worker is defined as a person assigned to perform designated tasks outside of their cell or dormitory, pursuant to the written policy of the facility, for a minimum of four hours each day on a five-day scheduled work week.

TYPE II FACILITY means a local detention facility used for the detention of persons pending arraignment, during trial and upon a sentence of commitment.

TYPE III FACILITY means a local detention facility used only for the detention of convicted and sentenced persons.

TYPE IV FACILITY means a local detention facility or portion thereof designated for housing under Penal Code Section 1208 for work/education furlough or other programs involving access into the community.

WORKING DRAWINGS means, with respect to a design-build project, a complete set of plans and specifications showing and describing all phases of a project, architectural, structural, mechanical, electrical, civil engineering and landscaping systems to the degree necessary for the purpose of accurate bidding by contractors and for the use of artisans in constructing the project.

(b) **Exclusions.** Title 24 of the California Code of Regulations, Sections 13-102 and 2-1013 which pertain to planning and design of detention facilities shall be applicable to facilities for which architectural drawings have been submitted to the Board for review. These requirements shall not be applicable to facilities which were constructed in conformance with the standards of the Board in effect at the time of initial architectural planning. When any facility, designed and constructed under earlier standards, can comply with a more recently adopted requirement, the least-restrictive regulation shall apply.

If, in the course of inspection of local detention facilities, the Board determines that a facility planned or built prior to these regulations does not meet the appropriate, applicable standards in effect at the time of initial architectural planning, the local governing body shall submit to the Board for their approval within one year of such inspection a plan for causing that facility to meet current standards. Such a plan shall include the specific building areas which need to be remodeled or constructed, a definite time period over which the proposed modifications are planned and a cost estimate including a description of the method of financing.

(c) **Initial planning for a local detention facility.**

1. **Letter of intent.** A city, county, city and county, or any combination thereof which has an intent to build or remodel any local detention facility shall immediately file a letter of intent with the Board.

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2. **Needs assessment study.** Any city, county, city and county, or region intending to construct a new Type I, II, III or IV facility or add 25 or more beds to an existing facility shall complete a needs assessment study. One copy of the needs assessment study shall be submitted to the Board prior to contracting for plans and specifications.

   The needs assessment shall include, but not be limited to, a description of:

   A. The elements of the system;
   B. The department's operational and design philosophy;
   C. The current incarcerated population;
   D. The classification system;
   E. Program needs, including planned academic programs to include special education programs and an analysis of performance in using programs that can reduce secure facility requirements;
   F. An analysis of the local trends and characteristics which influence planning assumptions about future corrections' systems change, including population projections, current and projected incarcerated populations, and program costs based on continuation of current policies and projections of alternative policies or programs on incarcerated population growth and program costs;
   G. The adequacy of staffing levels;
   H. The ability to provide visual supervision;
   I. The adequacy of record keeping;
   J. A history of the system's compliance with standards; and
   K. Any unresolved issues.

3. **Operational program statement.** Unless the construction or remodeling is of a minor nature, not affecting the capacity or flow of the facility, an operational program statement shall be developed by the facility administrator and submitted to the Board or the purpose of providing the basis upon which architectural plans are drawn. The operational program statement must be submitted with the schematic architectural plans required by Section 13-102(c)5 of these regulations for design-bid-build construction projects. The operational program statement must be submitted with the performance criteria or performance criteria and concept drawings for design-build construction projects. The operational program statement must include a description of the following:

   A. Intended capacity of facility.
   B. Security and classification of incarcerated persons to be housed.
   C. Movement of incarcerated persons within the facility and entry and exit from security areas.
   D. Food preparation and serving.
   E. Commissary.
   F. Staffing.
   G. Booking.
   H. Visiting and attorney reviews.
   I. Exercise.
   J. Programs.
   K. Medical services, including the management of communicable diseases.
   L. Cleaning and laundering.
   M. Separation of incarcerated persons as specified in Penal Code Sections 4001 and 4002 and Article 5 of Title 15, C.C.R.
   N. Court holding and movement of incarcerated persons.
   O. Mental health services.
   P. Facilities for jail administration and operations staff.
   Q. Staff to staff communications system.
   R. Management of disruptive incarcerated people.
   S. Management and placement of persons with disabilities, with provisions for wheelchairs, gurney access and for evacuation during emergencies.
   T. Architectural treatment of space relative to preventing suicides by incarcerated persons.
   U. Method of implementing Penal Code Section 4030 relating to the holding of misdemeanor arrestees.
   V. Intended type of facility.
   W. Sobering cell(s) as referenced by Title 15, Section 1056, with the ability to separate.
   X. Safety cell(s) as referenced by Title 15, Section 1055.
   Y. If minors enter the security area for processing, secure custody, or housing. Describe how minors will move within the secure areas of the facility pursuant to separation requirements of Welfare and Institutions Code Section 208(a) and Section 1144 of these regulations.

4. **Type III and Type IV facilities in existing buildings.** Wherever a city, county or combination thereof, intends to establish a Type III or Type IV facility in an existing building or buildings, notice shall be given to the Board whose staff shall complete a

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survey to determine capacity of such buildings and shall make recommendations for necessary modifications. The proposing local government shall secure the appropriate clearance from the health authority, building official and State Fire Marshal.

5. **Submittal of plans and specifications.** All plans and specifications shall be submitted to the Board in compliance with Penal Code Section 6029.
    1. For design-bid-build projects, one set of plans and specifications shall be submitted at the schematic design phase, at the design development phase and the construction document phase.
    2. For design-build projects, one set of performance criteria or performance criteria and concept drawings shall be submitted before the county issues a request for proposals for the services of a design-build entity. One set of construction document drawings shall be submitted. Board staff shall respond in writing indicating compliance or noncompliance with these regulations.
6. **Design requirements.**
    A. The design of a local detention facility shall comply with provisions of California Code of Regulations, Title 24, Part 2, Section 1231.
    B. The design of a local detention facility, shall provide the following:
        (1) **Fire safety.** The provisions of Title 19 and Title 24, Part 2 as they relate to detention facilities shall be incorporated into the facility design.
        (2) **Suicide hazards.** Architectural plans shall be reviewed by the Board for the purpose of reducing hazards posed by fixtures and equipment which could be used for an act of suicide by an incarcerated person. The facility design shall avoid any surfaces, edges, fixtures or fittings that can provide an attachment for self-inflicted injury. The following features shall be incorporated in the design of temporary holding cells, temporary staging cells, sobering cells, safety cells, single occupancy cells and any other area where incarcerated persons may be left without direct visual observation:
            a. plumbing shall not be exposed. Operation of control valves shall use flush buttons or similar. The drinking fountain bubbler shall be without curved projections;
            b. towel holders shall be ball-in-socket or indented clasp, not pull-down hooks or bars;
            c. supply and return grilles and any other vent or security cover shall have openings no greater than $^{3}/_{16}$ inch or have 16-mesh per square inch;
            d. beds, desk surfaces and shelves shall have no sharp edges and be configured to prevent attachment;
            e. light fixtures shall be tamper resistant;
            f. fixtures such as mirrors shall be mounted using tamper-resistant fasteners; and
            g. fire sprinkler heads inside rooms shall be designed to prevent attachment.
            h. telephone cords shall be at a length that reduces the potential for use as a ligature.
        (3) **Health and sanitation.** Provisions of Subchapter 4, Title 15, California Code of Regulations, and of the California Retail Food Code as they relate to detention facilities shall be incorporated into the facility design.
        (4) **Single- or double-occupancy cells.** In any local detention system, the number of single- or double-occupancy cells shall be that number, determined by the facility/system administrator in conjunction with the Board, necessary to safely manage the population of the facility/system based on a comprehensive needs assessment which accounts for those incarcerated persons projected to be:
            a. administrative separation cases,
            b. persons with disabilities,
            c. custodial problems or
            d. likely to need individual housing for other specific reasons as determined by the facility/system administration.

        The total number of single- or double-occupancy cells shall not be less than 10 percent of the system's Board of State and Community Corrections rated capacity. The local detention facility/system shall comply with all other design requirements contained in these regulations.
        (5) **Safety of staff and incarcerated persons.** Facilities shall be designed and/or equipped in such a manner that staff and incarcerated people have the ability to summon immediate assistance in the event of an incident or an emergency.
        (6) **Heating and cooling.** Provision shall be made to maintain a living environment in accordance with the heating, ventilating and air conditioning requirements of Parts 2 and 4, and the energy conservation requirements of Part 6, Title 24, California Code of Regulations.
        (7) **Acoustics.** Housing areas shall be designed and constructed so that the average noise level does not exceed 70 decibels during periods of activity and 45 decibels during sleeping hours.
        (8) **Living areas.** Living areas shall be separated from the area for reception and booking.
        (9) **Spaces for persons with disabilities.**
            a. Spaces within the security perimeter such as day rooms and activity areas shall be located such that persons with disabilities will not be excluded from participating in any program for which they would otherwise be eligible. Accessible showers for incarcerated persons with disabilities shall be available.

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b. All spaces of a local detention facility shall comply with the applicable chapters of Title 24, Part 2 of the California Code of Regulations.

c. Facilities shall comply with applicable federal and state disability laws and regulations including Title II of the Americans with Disabilities Act (ADA) and the 2010 ADA Standards for Accessible Design. See 28 C.F.R. Section 35.152; 28 C.F.R. Section 35.151(k).

(10) **Security.** The design should facilitate security and supervision appropriate to the level of custody including consideration of design and space as it relates to the prevention of sexual abuse and harassment.

(11) **Glazing.** Internal and external facility glazing shall be appropriate to the security level of the detention area or room.

(12) **Hair care space.** Space and suitable equipment must be provided in all Type II or Type III facilities.

(13) Floor drains shall be provided where operationally and mechanically appropriate.

(14) A sewage system design capable of addressing items that could potentially impact waste-water systems.

(15) Medical/mental health care housing shall be designed in consultation with the health authority. Medical/mental health areas may contain other than single occupancy rooms.

C. The design of a Court Holding or Temporary Holding facility must include and comply with the following subsections of Section 13-102(c)6B: (1), (2), (3), (5), (6), (7), (9), (10) and (13). Court holding facilities shall have paths of travel for incarcerated persons that are separate from those used by the public.

7. **Pilot projects.** The pilot project is the short-term method used by a local detention facility/system, approved by the Board, to evaluate innovative programs, operations or concepts which meet or exceed the intent of these regulations.

The Board may, upon application of a city, county, or city and county, grant pilot project status to a program, operational innovation or new concept related to the operation and management of a local detention facility. An application for a pilot project shall include, at a minimum, the following information:

A. The regulations which the pilot project will affect.

B. Review of case law, including any lawsuits brought against the applicant's local detention facility, pertinent to the proposal.

C. The applicant’s history of compliance of noncompliance with standards.

D. A summary of the “totality of conditions” in the facility or facilities, including but limited to:

(1) Program activities, exercise and recreation;

(2) Adequacy of supervision;

(3) Types of incarcerated people affected; and

(4) Classification procedures.

E. A statement of the goals the pilot project is intended to achieve, the reasons a pilot project is necessary and why the particular approach was selected.

F. The projected costs of the pilot project and projected cost savings to the city, county, city and county, if any.

G. A plan for developing and implementing the pilot project, including a time line where appropriate.

H. A statement of how the overall goal of providing safety to staff and incarcerated persons will be achieved.

The Board shall consider applications for pilot projects based on the relevance and appropriateness of the proposed project, the completeness of the information provided in the application and staff recommendations.

Within 10 working days of receipt of the application, Board staff will notify the applicant, in writing, that the application is complete and accepted for filing, or that the application is being returned as deficient and identifying what specific additional information is needed. This does not preclude the Board members from requesting additional information necessary to make a determination that the pilot project proposed actually meets or exceeds the intent of the regulations at the time of the hearing. When complete, the application will be placed on the agenda for the Board’s consideration at a regularly scheduled meeting. The written notification from the Board to the applicant shall also include the date, time and location of the meeting at which the application will be considered. (The Board meeting schedule for the current calendar year is available through its office in Sacramento.)

When an application for a pilot project is approved by the Board, the Board staff shall notify the applicant, in writing within 10 working days of the meeting, of any conditions included in the approval and the time period for the pilot project. Regular progress reports and evaluative data on the success of the pilot project in meeting its goals shall be provided to the Board. If disapproved, the applicant shall be notified in writing, within 10 working days of the meeting, the reasons for said disapproval. This application approval process may take up to 90 days from the date of receipt of a complete application.

Pilot project status granted by the Board shall not exceed twelve months after its approval date. When deemed to be in the best interest of the application, the Board may extend the expiration date for up to an additional twelve months. Once a city, county, or city and county successfully completes the pilot project evaluation period and desires to continue with the program, it may apply for an alternate means of compliance as described in Section 13-102(c)8 of these regulations.

8. **Alternate means of compliance.** The alternate means of compliance is the long-term method used by a local detention facility/system, approved by the Board, to encourage responsible innovation and creativity in the operation of California's local detention facilities. The Board may, upon application of a city, county, or city and county, consider alternate means of

compliance with these regulations after the pilot project process has been successfully evaluated [as defined in Section 13-102(c)7]. The city, county, or city and county must present the completed application to the Board no later than 30 days prior to the expiration of its pilot project.

Applications for alternate means of compliance must meet the spirit and intent of improving jail management, shall be equal to or exceed the existing standard(s) and shall include reporting and evaluation components. An application for alternate means of compliance shall include, at a minimum, the following information:

A. Review of case law, including any lawsuits brought against the applicant local detention facility, pertinent to the proposal.
B. The applicant's history of compliance or noncompliance with standards.
C. A summary of the "totality of conditions" in the facility or facilities, including but not limited to:
    (1) Program activities, exercise and recreation;
    (2) Adequacy of supervision;
    (3) Types of incarcerated people affected; and
    (4) Classification procedures.
D. A statement of the problem the alternate means of compliance is intended to solve, how the alternative will contribute to a solution of the problem and why it is considered an effective solution.
E. The projected costs of the alternative and projected cost savings to the city, county, city and county, if any.
F. A plan for developing and implementing the alternative, including a time line where appropriate.
G. A statement of how the overall goal of providing safety to staff and incarcerated persons was achieved during the pilot project evaluation phase [Section 13-102(c)7].

The Board shall consider applications for alternative means of compliance based on the relevance and appropriateness of the proposed alternative, the completeness of the information provided in the application, the experiences of the jurisdiction during the pilot project, and staff recommendations.

Within 10 working days of receipt of the application, Board staff will notify the applicant, in writing, that the application is complete and accepted for filing, or that the application is being returned as deficient and identifying what specific additional information is needed. This does not preclude the Board members from requesting additional information necessary to make a determination that the alternate means of compliance proposed meets or exceeds the intent of these regulations at the time of the hearing. When complete, the application will be placed on the agenda for the Board's consideration at a regularly scheduled meeting.

The written notification from the Board to the applicant shall also include the date, time and location of the meeting at which the application will be considered. (The Board meeting schedule for the current calendar year is available through its office in Sacramento.)

When an application for an alternate means of compliance is approved by the Board, Board staff shall notify the applicant, in writing within 10 working days of the meeting, of any conditions included in the approval and the time period for which the alternate means of compliance shall be permitted. The Board may require regular progress reports and evaluative data as to the success of the alternate means of compliance. If disapproved, the applicant shall be notified in writing, within 10 working days of the meeting, the reasons for said disapproval. This application approval process may take up to 90 days from the date of receipt of a complete application.

The Board may revise the minimum jail standards during the next biennial review (reference Penal Code Section 6030) based on data and information obtained during the alternate means of compliance process. If, however, the alternate means of compliance does not have universal application, a city, county, city and county, may continue to operate under this status as long as they meet the terms of this regulation.

ARTICLE 2—MINIMUM STANDARDS FOR JUVENILE FACILITIES

13-201. Minimum standards for juvenile facilities.

(a) **Definitions.** The following definitions shall apply:

ADMINISTERING MEDICATION, as it relates to pharmaceutical management, means the act by which a single dose of medication is given to a patient by licensed health care staff. The single dose of medication may be taken either from stock (undispensed) or dispensed supplies.

ALTERNATE MEANS OF COMPLIANCE means a process for meeting or exceeding the intent of the standards in an innovative way as approved by the Board pursuant to an application.

APPEAL HEARING means an administrative procedure providing an appellant with an opportunity to present the facts of the appeal for the formal decision concerning matters raised pursuant to the purposes set forth in these regulations. Such hearing may be conducted using oral and/or written testimony as specified by the Executive Director of the Board.

APPELLANT means a county or city which files a request for an appeal hearing.

AUTHORIZED AND REPRESENTATIVE means an individual authorized by the appellant to act as its representative in any or all aspects of the hearing.

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BOARD means the Board of State and Community Corrections, which acts by and through its executive director, deputy directors and field representatives.

CAMP means a juvenile camp, ranch, forestry camp or boot camp established in accordance with Section 881 of the Welfare and Institutions Code, to which youth made wards of the court on the grounds of fitting the description in Section 602 of the Welfare and Institutions Code may be committed.

CELL EXTRACTION means the forceful removal of a youth from a room.

CLERGY means persons ordained for religious duties.

COMMITTED means placed in a jail or juvenile facility pursuant to a court order for a specific period of time, independent of, or in connection with, other sentencing alternatives.

CONCEPT DRAWINGS means, with respect to a design-build project, any drawings or architectural renderings that may be prepared, in addition to performance criteria, in such detail as the agency determines necessary to sufficiently describe the agency's needs.

CONTRABAND is any object, writing or substance, the possession of which would constitute a crime under the laws of the State of California, pose a danger within a juvenile facility or would interfere with the orderly day-to-day operation of a juvenile facility, or violate facility rules.

CONTROL ROOM is a continuously staffed secure area within the facility that contains staff responsible for safety, security, emergency response, communication, electronics and movement.

COURT HOLDING FACILITY FOR MINORS means a local detention facility constructed within a court building used for the confinement of minors or minors and adults for the purpose of a court appearance, for a period not to exceed 12 hours.

DELIVERING MEDICATION, as it relates to pharmaceutical management, means the act of providing one or more doses of a prescribed and dispensed medication to a youth.

DESIGN-BID-BUILD means a construction procurement process independent of the design process and in which the construction of a project is procured based on completed construction documents.

DESIGN-BUILD means a construction procurement process in which both the design and construction of a project are procured from a single entity.

DEVELOPMENTALLY DISABLED means those persons who have a disability which originates before an individual attains age 18, continues, or can be expected to continue indefinitely, and constitutes a substantial disability for that individual. This term includes mental retardation, cerebral palsy, epilepsy and autism, as well as disabling conditions found to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals.

DIRECT VISUAL OBSERVATION means staff must personally see youth's movement and/or skin. Audio/video monitoring may supplement but not substitute for direct visual observation.

DIRECT VISUAL SUPERVISION means staff constantly in the presence of the youth. Audio/video monitoring may supplement but not substitute for direct visual supervision.

DISPENSING, as it relates to pharmaceutical management, means the interpretation of the prescription order, the preparation, repackaging and labeling of the drug based upon a prescription from a physician, dentist or other prescriber authorized by law.

DISPOSAL, as it relates to pharmaceutical management, means the destruction of medication or its return to the manufacturer or supplier.

DNA or Deoxyribonucleic acid means a chromosomal double stranded molecule that exists in each living cell. DNA determines an individual's hereditary characteristics and can be used to distinguish and identify an individual from another person. This becomes critical when blood, hair, skin or any other part of the body is used to prove one's involvement or lack of involvement in a crime scene.

EMERGENCY means a significant disruption of normal facility procedure, policy or operation caused by civil disorder, single incident of mass arrest of juveniles and natural disasters such as flood, fire or earthquake; and which requires immediate action to avert death or injury and to maintain security.

EXECUTIVE DIRECTOR means the Executive Director of the Board.

EXERCISE means an activity that requires physical exertion of the large muscle groups.

EXIGENT means an urgent and unanticipated event that requires immediate action.

FACILITY ADMINISTRATOR means Chief Probation Officer, Sheriff, Marshal, Chief of Police or other official charged by law with administration of the facility.

FACILITY MANAGER means director, superintendent, police or sheriff commander or other person in charge of the day-to-day operation of a facility holding youth.

FILING DATE means the date a request for an appeal hearing is received by the Executive Director or the Board.

504 PLAN means a written educational plan developed by a group of educators, administrators, parents and other relevant participants that addresses the needs of a student with a physical or mental impairment which may substantially limit major life activities, including caring for one's self, walking, seeing, hearing, speaking, breathing, working, performing manual tasks and learning as defined under Section 504.

FURLOUGH means the conditional or temporary release of a youth from the facility.

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GENDER EXPRESSION means the manner in which a person expresses his or her gender through clothing, appearance, behavior, speech, etc.

GENDER IDENTITY means a person's sense of identification with either the male or female self.

GROUP PUNISHMENT means a group of uninvolved youth is disciplined due to the actions of one or more youth.

HEALTH ADMINISTRATOR means that individual or agency that is designated with responsibility for health care policy pursuant to a written agreement, contract or job description. The health administrator may be a physician, an individual or a health agency. In those instances where medical and mental health services are provided by separate entities, decisions regarding mental health services shall be made in cooperation with the mental health director. When the administrator is other than a physician, final clinical judgment rests with a designated responsible physician.

HEALTH CARE means medical, mental health and dental services.

HEALTH CARE CLEARANCE means a nonconfidential statement which indicates to child supervision staff that there are no health contraindications to a youth being admitted to a facility and specifies any limitations to full program participation.

HEARING PANEL means a panel comprised of three members of the Board who shall be selected by the Chairman at the time an appeal is filed. A fourth member may be designated as alternate. Members designated to the hearing panel shall not be employed by or citizens of the county or city submitting an appeal.

INDIVIDUAL EDUCATION PROGRAM (IEP) means a written statement for each individual with exceptional needs that is developed, reviewed and revised in a meeting in accordance with Education Code Section 56345 and applicable federal laws and regulation.

JUVENILE FACILITY means a juvenile hall, ranch or camp, forestry camp, regional youth education facility, boot camp or special-purpose juvenile hall.

JUVENILE HALL means a county facility designed for the reception and temporary care of youth detained in accordance with the provisions of this subchapter and the juvenile court law.

LABELING, as it relates to pharmaceutical management, means the act of preparing and affixing an appropriate label to a medication container.

LEGEND DRUGS are any drugs defined as "dangerous drugs" under Chapter 9, Division 2, Section 4211 of the *California Business and Professions Code*. These drugs bear the legend, "Caution Federal Law Prohibits Dispensing Without a Prescription." The Food and Drug Administration (FDA) has determined, because of toxicity or other potentially harmful effects, that these drugs are not safe for use except under the supervision of a health care practitioner licensed by law to prescribe legend drugs.

LIVING UNIT shall be a self-contained unit containing locked sleeping rooms, single and double occupancy sleeping rooms or dormitories, dayroom space, water closets, wash basins, drinking fountains and showers commensurate to the number of youth housed. A living unit shall not be divided in any way that hinders direct access, supervision or immediate intervention or other action if needed.

LOCAL HEALTH OFFICER means that licensed physician who is appointed by the Board of Supervisors pursuant to Health and Safety Code Section 101000 to carry out duly authorized orders and statutes related to public health within his/her jurisdiction.

MAXIMUM CAPACITY means the number of youth that can be housed at any one time in a juvenile hall, camp, ranch, home, forestry camp, regional youth education facility or boot camp in accordance with provisions in this subchapter.

MENTAL HEALTH DIRECTOR means that individual who is designated by contract, written agreement or job description to have administrative responsibility for the mental health program. The health administrator shall work in cooperation with the mental health director to develop and implement mental health policies and procedures.

MINOR means a person under 18 years of age and includes those persons whose cases are under the jurisdiction of the adult criminal court.

NONSCHOOL DAY means a day when school is not in operation. It also applies when an individual youth is not enrolled in school and is not required to be in attendance.

NOTICE OF DECISION means a written statement by the Executive Director of the Board which contains the formal decision of the Executive Director of the Board and the reason for that decision.

ON-SITE HEALTH CARE STAFF means licensed, certified or registered health care personnel who provide regularly scheduled health care services at the facility pursuant to a contract, written agreement or job description. It does not extend to emergency medical personnel or other health care personnel who may be on site to respond to an emergency or an unusual situation.

OVER-THE-COUNTER (OTC) DRUGS, as it relates to pharmaceutical management, are medications which do not require a prescription (nonlegend).

PERFORMANCE CRITERIA means, with respect to a design-build project, the information that fully describes the scope of the proposed project and includes, but is not limited to, the size, type and design character of the buildings and site; the required form, fit, function, operational requirements and quality of design, materials, equipment and workmanship; and any other information deemed necessary to sufficiently describe the agency's needs; including documents prepared pursuant to paragraph (1) of subdivision (d) of Section 20133 of the Public Contract Code.

PILOT PROJECT means an initial short-term method to test or apply an innovation or concept related to the operation, management or design of a juvenile facility, jail or lockup pursuant to an application to, and approval by, the Board.

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PODULAR DESIGN means a design concept for detention facilities in which housing cells, dormitories or sleeping rooms are positioned around the perimeter of a common day-room, forming a housing/living unit. Generally, the majority of services for each housing/living unit (such as dining, medical exam/sick call, programming, school, etc.) occur in specified locations within the unit.

PRIMARY RESPONSIBILITY is the ability of a child supervision staff member to independently supervise one or more youth.

PROCUREMENT, as it relates to pharmaceutical management, means the system for ordering and obtaining medications for facility stock.

PROPOSED DECISION means a written recommendation from the hearing panel/hearing officer to the full Board containing a summary of facts and a recommended decision on an appeal.

PROSTHESES means artificial devices to replace missing body parts or to compensate for defective bodily function. Prostheses are distinguished from slings, crutches or other similar assistive devices.

PSYCHOTROPIC MEDICATION means those drugs that are used to treat psychiatric symptoms. Drugs used to reduce the toxic side effects of psychotropic medications are not included.

RECREATION means activities that occupy the attention and offer the opportunity for relaxation. Such activities may include ping-pong, TV, reading, board games and letter writing.

REGIONAL FACILITY means a facility serving two or more counties bound together by a memorandum of understanding or a joint powers agreement identifying the terms, conditions, rights, responsibilities and financial obligation of all parties.

REMODELING means to alter the facility structure by adding, deleting or moving any of the buildings components, thereby affecting any of the spaces specified in Title 24, Section 1230.

REPACKAGING, as it relates to pharmaceutical management, means transferring medications from the original manufacturer's container to another properly labeled container.

REQUEST FOR APPEAL HEARING means a clear written expression of dissatisfaction about a procedure or action taken, requesting a hearing on the matter, and filed with the Executive Director of the Board.

RESPONSIBLE PHYSICIAN means that physician who is appropriately licensed by the state and is designated by contract, written agreement or job description to have responsibility for policy development in medical, dental and mental health matters involving clinical judgments. The responsible physician may also be the health administrator.

SECURITY GLAZING means a glass/polycarbonate composite glazing material designed for use in detention facility doors and windows and intended to withstand measurable, complex loads from deliberate and sustained attacks in a detention environment.

SEPARATION means limiting a youth's participation in regular programming for a specific purpose.

SEXUAL ORIENTATION means a person's emotional, romantic and sexual attraction for members of the same, opposite or both sexes.

SHALL is mandatory; "may" is permissive.

SPECIAL-PURPOSE JUVENILE HALL means a county facility used for the temporary confinement of a youth, not to exceed 96 hours, prior to transfer to a full service juvenile facility or release.

SPECIAL VISITS mean visits by persons that may not be parents or guardians, as outlined in Section 1374 of these regulations, and may include mentors, extended family members, role models and spouses.

STATUS OFFENDER means a youth alleged or adjudged to be a person described in Section 601 of the Welfare and Institutions Code.

STORAGE, as it relates to pharmaceutical management, means the controlled physical environment used for the safekeeping and accounting of medications.

SUPERVISORY STAFF means a staff person whose primary duties may include, but are not limited to, scheduling and evaluating subordinate staff, providing on-the-job training, making recommendations for promotion, hiring and discharge of subordinate staff, recommending disciplinary actions and overseeing subordinate staff work. Supervisory staff shall not be included in the youth to supervision staff ratio, although some of their duties could include the periodic supervision of youth.

TRANSGENDER YOUTH means a youth whose gender identity does not correspond with his or her anatomical sex.

USE OF FORCE means an immediate means of overcoming resistance and to control the threat of imminent harm to self or others.

VOYEURISM means an invasion of privacy of a youth by staff for reasons unrelated to official duties, such as peering at a youth who is using a toilet in his or her room to perform bodily functions; requiring a youth to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a youth's naked body or of a youth performing bodily functions. Exception would include exigent circumstances or when such viewing is incidental to routine room safety checks.

YOUTH means any person who is in the custody of the juvenile facility. This person may be a minor under the age of 18 or a person over 18 years of age. This includes persons whose cases are under the jurisdiction of the juvenile court and persons whose cases are under the jurisdiction of the adult court.

YOUTH SUPERVISION STAFF means juvenile facility employee, whose duty is primarily the supervision of youth. Administrative, supervisory, food services, janitorial or other auxiliary staff is not considered child supervision staff.

(b) **Exclusions.** Title 24 of the California Code of Regulations, Sections 13-201 and 1230, which pertain to planning and design of juvenile facilities, shall be applicable to facilities for which architectural drawings have been submitted to the Board for review. These requirements shall not be applicable to facilities that were constructed in conformance with the standards of the Department

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of the Youth Authority or the Board in effect at the time of initial architectural planning. However, an existing juvenile facility built in accordance with construction standards in effect at the time of construction shall be considered as being in compliance with the provisions of this article unless the condition of the structure is determined by the facility administrator or other appropriate authority to be dangerous to life, health or welfare of youth. When any facility, designed and constructed under earlier standards, can comply with a more recently adopted requirement, the least restrictive regulation shall apply.

If, in the course of inspection of local juvenile facilities, the Board determines that a facility planned or built prior to these regulations does not meet the appropriate, applicable standards in effect at the time of initial architectural planning, the local governing body shall submit to the Board for their approval within one year of such inspection a plan for causing that facility to meet current standards. Such a plan shall include the specific building areas that need to be remodeled and/or constructed, a definite time period over which the proposed modifications are planned and a cost estimate including a description of the method of financing.

(c) **Initial planning for a local juvenile facility.**

1. **Letter of intent.** A county, city, city and county or regional juvenile facility that intends to build or remodel any local juvenile facility shall file a letter of intent with the Board.
2. **Needs assessment.** Any county, city, city and county, or regional juvenile facility intending to construct a new juvenile facility, or expand the rated capacity of the current facility, shall complete a needs assessment. One copy of the needs assessment shall be submitted to the Board prior to submitting plans and specifications. There are two types of needs assessments:
   A. Comprehensive Needs Assessment. The Comprehensive Needs Assessment shall include:
      (1) A description of the elements of the system;
      (2) A description of the department's management philosophy/process;
      (3) A description of the current youth population;
      (4) A description of the classification system;
      (5) A description of the program needs, including planned academic programs and special education programs, and an analysis of performance in using programs which can reduce secure facility requirements;
      (6) An analysis of the corrections' system trends and characteristics which influence planning assumptions about future change, including: population projections, technological trends and advancements, projections of youth population and program costs based on continuation of current policies, and projections of the impact of alternative policies or programs on youth population growth and program costs;
      (7) A history of the system's compliance with standards, including the adequacy of staffing levels and the ability to provide visual supervision;
      (8) A history of the adequacy of record keeping;
      (9) The ability to provide confidential interviews and medical exams; and
      (10) A discussion of unresolved issues.
   B. Targeted Needs Assessment.
      (1) For expansion of an existing facility, a targeted needs assessment may be submitted if a comprehensive needs assessment has been submitted and accepted by the Board within five years.
      (2) The Targeted Needs Assessment shall include any update and/or changes to the previous Comprehensive Needs Assessment and provide information affirming its validity and accuracy.
3. **Operational program statement.** Unless the construction or remodeling is of a minor nature, not affecting the capacity or flow of the facility, an operational program statement shall be developed by the facility administrator and submitted to the Board for the purpose of providing the basis upon which architectural plans are drawn. The operational program statement must be submitted with the schematic architectural plans required by Section 13-201(c)5 of these regulations for design-bid-build construction projects. The operational program statement must be submitted with the performance criteria or performance criteria and concept drawings for design-build construction projects. The operational program statement must include a description of the following:
   A. Intended capacity of facility;
   B. Security and classification of youth to be housed;
   C. Movement within the facility and entry and exit from secure areas;
   D. Food preparation and serving;
   E. Staffing;
   F. Booking;
   G. Visiting and attorney interviews;
   H. Exercise;
   I. Programs;
   J. Medical services, including the management of communicable diseases;
   K. Cleaning and/or laundering;
   L. Segregation of youth;

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M. Court holding and movement;
N. Mental health services;
O. Facilities for administration and operations staff;
P. Staff to staff communications system;
Q. Management of disruptive youth;
R. Management of youth with disabilities, with provisions for wheelchairs, gurney access and for evacuation during emergencies;
S. Architectural treatment of space relative to preventing suicides by youth;
T. Method of implementing *California Penal Code* Section 4030 relating to the holding of offenders requiring incarceration without the necessity of unjustified strip searches; and
U. School programs.

4. **Facilities in existing buildings.** Wherever county, city, city and county, or regional juvenile facility intends to establish a juvenile facility in an existing building or buildings, notice shall be given to the Board whose staff shall complete a survey to determine capacity of such buildings and shall make recommendations for necessary modifications. The proposing local government shall secure the appropriate clearance from the health authority, building official and State Fire Marshal.
5. **Submittal of plans and specifications.** All plans and specifications shall be submitted to the Board in compliance with Penal Code Section 6029.
   (1) For design-bid-build projects, one set of plans and specifications shall be submitted at the schematic design stage, at the design development stage and construction document phase.
   (2) For design-build projects, one set of performance criteria or performance criteria and concept drawings shall be submitted before the county issues a request for proposals for the services of a design-build entity. One set of construction document drawings shall be submitted. Board staff shall respond in writing indicating compliance or noncompliance with these regulations.
6. **Design requirements.**
   A. The design of a local juvenile facility shall comply with provisions of California Code of Regulations, Title 24, Part 2, Section 1230.
   B. The design of a juvenile facility shall address the following:
      1. **Fire safety.** The provisions of Title 19 and Title 24 as adopted by the State Fire Marshal as they relate to juvenile facilities shall be incorporated into the facility design.
      2. **Suicide hazards.** Architectural plans shall be reviewed by the Board for the purpose of reducing hazards posed by fixtures and equipment which could be used for an act of suicide by a youth. The facility design shall avoid any surfaces, edges, fixtures, or fittings that can provide an attachment for hanging or other opportunity for self-inflicted injury. The following features shall be incorporated in the design of sleeping rooms, bathrooms and any other area where a juvenile may be left alone:
         a. Plumbing shall not be exposed. Operation of control valves shall use flush buttons or similar. Drinking water spout, if any, shall be without curved projections;
         b. Towel holders shall be ball-in-socket or indented clasp, not pull-down hooks or bars;
         c. Supply and return grilles and any other vent or security cover shall have openings no greater than $^{3}/_{16}$ inch or have 16-mesh per square inch;
         d. Beds, desk surfaces and shelves shall have no sharp edges and shall be configured to prevent attachment;
         e. Light fixtures shall be tamper resistant;
         f. Fixtures such as mirrors shall be mounted using tamper-resistant fasteners;
         g. Fire sprinkler heads inside rooms shall be designed to prevent attachment; and
         h. Telephone cords shall be at a length that reduces the potential for use as a ligature.
      3. **Health and sanitation.** Provisions of Subchapter 5, Title 15, California Code of Regulations, and of the California Retail Food Code (CalCode) as they relate to juvenile facilities shall be incorporated into the facility design.
      4. When adding new sleeping rooms to a juvenile hall, not less than 10 percent of them shall be single occupancy, unless the juvenile hall can demonstrate that its current number of single occupancy rooms will equal at least 10 percent of the new rated capacity. In addition, single or double occupancy rooms shall be that number, determined by the facility administrator, necessary to safely manage the population of the facility based on a comprehensive needs assessment which accounts for youth projected to be:
         a. Mentally disordered,
         b. Custodial problems and/or
         c. Likely to need individual housing for other specific reasons as determined by the facility administration.

         The total number of single or double occupancy rooms shall be identified.
      5. **Staff and safety.** Facilities shall be designed and/or equipped in such a manner that staff and youth have the ability to summon immediate assistance in the event of an incident or an emergency.

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6. **Heating and cooling.** Provision shall be made to maintain a generally accepted living environment and meet the requirements of Parts 1 (*California Administrative Code*), 2 (*California Building Code*) and 4 (*California Mechanical Code*).
7. **Acoustics.** Dayroom areas shall be designed and constructed so that the noise level does not exceed 70 decibels and a reverberation time less than 1.5 seconds. Sleeping areas shall have a noise level no higher than 45 decibels and a reverberation time less than 1.5 seconds. The heating, ventilating and air conditioning noise level shall be no higher than 45 decibels in sleeping areas and classrooms.
8. **Spaces for the disabled.**
   a. Other space within the security perimeter such as dayroom and activity areas shall be located such that a disabled youth will not be excluded from participating in any program for which they would otherwise be eligible. An accessible shower for disabled youth shall be available.
   b. All spaces of a local juvenile facility shall comply with the applicable chapters of Title 24, Part 2 of the California Code of Regulations.
9. **Security.** Facility design shall provide security and supervision appropriate to the classification level of youth in custody including consideration of design space as it relates to the prevention of sexual abuse, assault and harassment.
   a. The facility perimeter shall be controlled by appropriate means to ensure that youth remain within the perimeter and shall be designed to prevent access by the general public without proper authorization.
   b. Security glazing shall be used where it defines the secure perimeter of buildings. It shall also be used at appropriate interior locations to ensure a secure and safe environment for youth and staff.
10. **Medical/mental health care housing and treatment space.** There shall be some means to provide health care and housing and treatment of ill and/or infirm youth. When the operational program statement for a facility indicates that medical care housing is needed, such housing must provide lockable storage space for medical instruments and must be located within the security area of the facility accessible to both female and male youth, but not in the living area of either. Treatment spaces and the medical care housing unit shall be designed in consultation with the health authority. If negative pressure isolation rooms are being planned, they shall be designed to the community standard. Medical/mental health areas may contain other than single occupancy rooms.
11. A sewage system design capable of addressing items that could potentially impact waste water systems.
12. Floor drains shall be provided where operationally and mechanically appropriate.

7. **Pilot project.** A pilot project is the short-term method used by a local juvenile facility/system approved by the Board to evaluate innovative programs, operations or concepts which may not comply with the regulations but meet or exceed the intent of these regulations.

The Board may, upon application of a city, county, or city and county, grant pilot project status to a program, operational innovation or new concept related to the operation and management of a local juvenile facility. An application for a pilot project shall include, at a minimum, the following information:

(a) The regulations that the pilot project shall affect;
(b) Any lawsuits brought against the applicant local juvenile facility, pertinent to the proposal;
(c) A summary of the "totality of conditions" in the facility or facilities, including but not limited to
   1. Program activities, exercise and recreation,
   2. Adequacy of supervision,
   3. Types of youth affected and
   4. Classification procedures.
(d) A statement of the goals the pilot project is intended to achieve, the reasons a pilot project is necessary and why the particular approach was selected;
(e) The projected costs of the pilot project and projected cost savings to the city, county, or city and county, if any;
(f) A plan for developing and implementing the pilot project including a time line where appropriate; and
(g) A statement of how the overall goal of providing safety to staff and youth shall be achieved.

The Board may consider applications for pilot projects based on the relevance and appropriateness of the proposed project, the applicant's history of compliance/noncompliance with regulations, the completeness of the information provided in the application and staff recommendations.

Within 10 working days of receipt of the application, Board staff shall notify the applicant, in writing, that the application is complete and accepted for filing, or that the application is being returned as deficient and identifying what specific additional information is needed. This does not preclude the Board members from requesting additional information necessary to make a determination that the pilot project proposed actually meets or exceeds the intent of these regulations at the time of the hearing. When complete, the application shall be placed on the agenda for the Board's consideration at a regularly scheduled meeting. The written notification from the Board to the applicant shall also include the date, time and location of the meeting at which the application shall be considered.

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When an application for a pilot project is approved by the Board, Board staff shall notify the applicant, in writing within 10 working days of the meeting, of any conditions included in the approval and the time period for the pilot project. Regular progress reports and evaluative data on the success of the pilot project in meeting its goals shall be provided to the Board. The Board may extend time limits for pilot projects for good and proper purpose.

If disapproved, the applicant shall be notified in writing, within 10 working days of the meeting, the reasons for said disapproval. This application approval process may take up to 90 days from the date of receipt of a complete application.

Pilot project status granted by the Board shall not exceed 12 months after its approval date. When deemed to be in the best interest of the applicant, the Board may extend the expiration date. Once a city, county, or city and county successfully completes the pilot project evaluation period and desires to continue with the program, it may apply for an alternate means of compliance. The pilot project shall be granted an automatic extension of time to operate the project pending the Board consideration of an alternate means of compliance.

8. **Alternate means of compliance.** An alternate means of compliance is the long-term method used by a local juvenile facility/system, approved by the Board, to encourage responsible innovation and creativity in the operation of California's local juvenile facilities. The Board may, upon application of a city, county, or city and county, consider alternate means of compliance with these regulations either after the pilot project process has been successfully evaluated or upon direct application to the Board. The city, county, or city and county shall present the completed application to the Board no later than 30 days prior to the expiration of its pilot project, if needed.

Applications for alternate means of compliance shall meet the spirit and intent of improving facility management, shall enhance, be equal to, or exceed the intent of, existing standard(s), and shall include reporting and evaluation components. An application for alternate means of compliance shall include, at a minimum, the following information:

(a) Any lawsuits brought against the applicant local facility, pertinent to the proposal;

(b) A summary of the "totality of conditions" in the facility or facilities, including but not limited to:

1. Program activities, exercise and recreation;
2. Adequacy of supervision;
3. Types of youth affected; and
4. Classification procedures.

(c) A statement of the problem the alternate means of compliance is intended to solve, how the alternative shall contribute to a solution of the problem and why it is considered an effective solution;

(d) The projected costs of the alternative and projected cost savings to the city, county, or city and county, if any;

(e) A plan for developing and implementing the alternative, including a time line where appropriate; and

(f) A statement of how the overall goal of providing safety to staff and youth was or would be achieved during the pilot project evaluation phase.

(g) When remodeling, a statement which indicates that the alternate means of compliance will provide an enhanced compliance with current regulations, if full compliance cannot be achieved.

The Board may consider applications for alternate means of compliance based on the relevance and appropriateness of the proposed alternative, the applicant's history of compliance/noncompliance with regulations, the completeness of the information provided in the application, the experiences of the jurisdiction during the pilot project, if applicable, and staff recommendations.

Within 10 working days of receipt of the application, Board staff shall notify the applicant, in writing, that the application is complete and accepted for filing, or that the application is being returned as deficient and identifying what specific additional information is needed. This does not preclude the Board members from requesting additional information necessary to make a determination that the alternate means of compliance proposed meets or exceeds the intent of these regulations at the time of the hearing. When complete, the application shall be placed on the agenda for the Board's consideration at a regularly scheduled meeting. The written notification from the Board to the applicant shall also include the date, time and location of the meeting at which the application shall be considered.

When an application for an alternate means of compliance is approved by the Board, Board staff shall notify the applicant, in writing, within 10 working days of the meeting, of any conditions included in the approval and the time period for which the alternate means of compliance shall be permitted. Regular progress reports and evaluative data as to the success of the alternate means of compliance shall be submitted by the applicant. If disapproved, the applicant shall be notified in writing, within 10 working days of the meeting, the reasons for said disapproval. This application approval process may take up to 90 days from the date of receipt of a complete application.

The Board may revise the minimum standards during the next biennial review based on data and information obtained during the alternate means of compliance process. If, however, the alternate means of compliance does not have universal application, a city, county, or city and county may continue to operate under this status as long as they meet the terms of this regulation.

HISTORY:

1. (BOC 1/96) Regular order by the Board of Corrections to add Article 2, to Part 1, Title 24, C.C.R. Filed with the secretary of state on February 19, 1997; effective March 21, 1997. Approved as a regular order by the California Building Standards Commission on February 6, 1997.

Note: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: Section 209, Welfare and Institutions Code; 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

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HISTORY NOTE APPENDIX FOR CHAPTER 13

Administrative Regulations for the Board of State and Community Corrections
California Code of Regulations, Title 24, Part 1

HISTORY:

The history notes for prior changes remain within the text of this code.

1. (BOC 1/97) Regular order by the Board of Corrections to amend their administrative regulations pertaining to Local Detention Facilities. Filed with the secretary of state on March 25, 1998; effective April 24, 1998. Approved by the California Building Standards Commission on March 18, 1998.
2. January 2, 2003 Supplement approved by the California Building Standards Commission on January 31, 2001, Filed with the Secretary of State on February 2, 2001, published January 1, 2003, and effective July 1, 2003:

   Section 13-102(a)5 — Revise ". . . Executive Officer . . ." to read ". . . Executive Director. . .".

   Section 13-102(a)9 — Revise "Detoxification cell" to read "Sobering cell".

   Section 13-102(a)24 — Revise ". . . as detoxification, safety, . . ." to read ". . . as sobering, safety, . . .".

   Following Section 13-102(a)18, insert a new Section 13-102(a)19. Renumber Sections 13-102(a)29 and 13-102(a)30 as Section 13-102(a)30 and 13-102(a)31 respectively.

   Following renumbered Section 13-102(a)31, insert a new Section 13-102(a)32. Renumber Sections 13-102(a)31 through 13-102(a)35 two numbers higher.

   Following renumbered Section 13-102(a)37, insert a new Section 13-102(a)38. Renumber Section 13-102(a)36 as 13-102(a)39.

   Following renumbered Section 13-102(a)39, insert a new Section 13-102(a)40. Renumber Sections 13-102(a)37 through 13-102(a)46 four numbers higher.

   (All of the following references for Section 13-102 et seq. use the revised Section numbers.)

   Section 13-102(c)2 — At the end of the first paragraph delete the words "The needs assessment study shall include:" and items A. through F. Insert new lead provision and items (a) through (k).

   Section 13-102(c)3.R — Revise "disabled inmates" to "persons with disabilities."

   Section 13-102(c)3.T — Revise "Section 4465.5" to "Section 4030."

   Section 13-102(c)3.V — Revise "Detoxification Cell(s)" to "Sobering cell(s)."

   Section 13-102(c)6.B.(2) — In the tenth line, revise "detoxification cells" to "sobering cells."

   Section 13-102(c)6.B.(4)a — Revise "mentally disordered" to "persons with disabilities."

   Section 13-102(c)6.B.(4)d — Delete the words "The needs assessment study shall include, but not be limited to, a description of:" and delete the items a. through j. immediately below.

   Section 13-102(c)6.B.(9) — Revise the title to "Spaces for persons with disabilities."

   Section 13-102(c)6.B.(9)a — Revise the definition to read "A cell or room for an inmate with a disability using a wheelchair must have an appropriate entry and a toilet, washbasin and drinking fountain which the inmate can use without personal assistance."

   Section 13-102(c)6.B.(9)b — Revise ". . . disabled inmate . . ." to ". . . persons with disabilities . . ."; and revise the last sentence to read "Accessible showers for inmates with disabilities shall be available."

   Following Section 13-102(c)6.B.(10) insert a new Section 13-102(c)6.B.(ll) and renumber the existing Section 13-102(c)6.B.(ll) to Section 13-102(c)6.B.(12).

   Following the newly renumbered Section 13-102(c)6.B.(12), insert new Sections 13-102(c)6.B.(13) and 13-102(c)6.B.(14).

   Section 13-102(c)6.C — Revise the fourth line to read ". . . (6), (7), (9), (10) and (12). Court holding. . ."

   Section 13-201(a)2 — Revise the second line to read ". . . in an innovative way as approved by . . .".

   Section 13-201(a)3 — Revise ". . . Executive Officer . . ." to ". . . Executive Director . . .".

   Section 13-201(a)5 — Replace ". . . his or her . . ." with ". . . its . . .".

   Section 13-201(a)6 — Replace ". . . officer . . ." with ". . . director. . .".

   Section 13-201(a)7 — Revise ". . . Section 880 of the California Welfare and Institutions Code . . ." to read ". . . Section 881 of the Welfare and Institutions Code, . . ."; and revise ". . . Section 602 of the California Welfare and Institutions Code. . ." to read ". . . Section 602 of the Welfare and Institutions Code . . .".

   Section 13-201(a)8 — In the last line, replace ". . . are . . ." with ". . . is . . .".

   Section 13-201(a)9 — Revise ". . . means sentenced to a jail . . . " to read ". . . means placed in a jail . . .".

   Section 13-201(a)15 — Revise ". . . an I.Q. of 70 or lower . . ." to read ". . . an I.Q. of 69 or lower . . .".

   Insert a new Section 13-201(a)16 and renumber the existing Sections 13-201(a)16 thru 13- thru 13-13-201(a)51 one number higher.

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(The following references use the revised Section numbers.)

Section 13-201(a)17-In the last line, replace ". . . observation . . ." with ". . . supervision . . .".

Section 13-201(a)21 — Revise ". . . Executive Officer . . ." to ". . . Executive Director . . .".

Section 13-201(a)24 — Revise ". . . Executive Officer or . . ." to ". . . Executive Director of . . .".

Section 13-201(a)27 — Revise ". . . contraindications to minors being . . ." to read ". . . contraindications to a minor being . . .".

Section 13-201(a)28 — In the third and last lines, revise ". . . the appeal . . ." to read ". . . an appeal . . .".

Section 13-201(a)31 — Revise the second line to read ". . . forestry camp, regional youth educational facility, boot camp or . . .".

Section 13-201(a)32 — In the last line, revise ". . . article . . ." to read ". . . subchapter . . .".

Section 13-201(a)34 — Revise the first and second lines to read ". . . means a building that contains a Type I or Temporary Holding Facility. It does not include . . .".

Section 13-201(a)35 — In the fifth line, add a "," after the word "determined" and in the sixth line add a "," after the word "effects."

Section 13-201(a)37 — In the third line revise ". . . sleeping rooms and/or dormitories . . ." to read ". . . sleeping rooms or dormitories . . .".

Section 13-201(a)38 — In the last line, revise ". . . their jurisdiction." to read ". . . his/her jurisdiction."

Section 13-201(a)39 — In the second line change ". . . which . . ." to ". . . that . . ."; and at the end of the Section add "Lockups are Type I or Temporary Holding Facilities as defined in the 'Minimum Standards for Local Detention Facilities'."

Section 13-201(a)40 — Revise ". . . minors authorized to be housed . . ." to ". . . minors that can be housed . . ."; and revise ". . . forestry camp or boot camp . . ." to read ". . . forestry camp, regional youth education facility, or boot camp . . ."; and in the last line, replace "article" with "subchapter."

Section 13-201(a)41 — Revise last line to read ". . . administrative responsibility for the mental health program."

Section 13-201(a)42 — Capitalize Minimum Standards for Local Detention Facilities and after ". . . Subchapter 4, . . ." add "Section 1000 et seq."

Section 13-201(a)43 – In the last line omit the word "California."

Section 13-201(a)44B — Add a "," after "and."

Section 13-201(a)45 — Revise ". . . Executive Officer . . . " to ". . . Executive Director. . ."

Section 13-201(a)46 — Revise the third line to read ". . . pursuant to a contract, . . .".

Section 13-201(a)48 — Revise the third line to read ". . . pursuant to an application . . .".

Section 13-201(a)50 — Revise the last line to read ". . . on an appeal."

Insert a new Section 13-201(a)53 and renumber existing Sections 13-201(a)52 thru 13-201(a)64 two numbers higher.

(The following references use the revised Section numbers.)

Section 13-201(a)54 — Revise the last line to read ". . . specified in Title 24 Section 460A."

Section 13-201(a)56 — Revise ". . . Executive Officer or . . ." to ". . . Executive Director of . . .".

Section 13-201(a)57 — In the last line change ". . . authority." to ". . . administrator."

Section 13-201(a)60 — Revise the second line to read ". . . of a minor, not to exceed 96 hours, . . .".

Section 13-201(a)61 — Omit the word ". . . California . . ." from the second line.

Section 13-201(a)63 — Revise the first line to read "Supervision in a law enforcement facility means . . ."; and revise the second line to read ". . . is being directly observed by the . . .".

Section 13-201(b) — Revise the seventh line to read ". . . Youth Authority of the Board of Corrections in effect . . .".

Section 13-201(c)l — Revise the first line to read ". . . or regional juvenile facility . . .".

Section 13-201(c)2 — Revise the second line to read ". . . or regional juvenile facility . . ."; and revise the third line to read ". . . facility, or expand the rated capacity of the current facility shall complete . . ."; and replace existing items A through E with new items A through J.

Section 13-201(c)3 — In item R revise the first line to read "Management of minors with disabilities with provisions . . ."; and in item S omit "and," from the last line; and in item T revise "Section 4465.5" to "Section 4030" and add "; and," to the last line; and insert a new item U.

Section 13-201(c)4 — Revise the second line to read ". . . county, or regional juvenile facility. . .".

Section 13-201(c)6B — Revise the first line to read ". . . facility shall address the . . .".

Section 13-201(c)6B(3) — Revise ". . . Subchapter 4 . . ." to read ". . . Subchapter 5. . .".

Section 13-201(c)6B(4) — Insert new language before "single or double occupancy . . ."; and omit the heading "The needs assessment shall include but not be limited to a description of:" along with the items a. through k. below it.

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Section 13-201(c)6B(8)a. — Revise the definitions to read "A room for a minor with a disability requiring a wheelchair, must have an appropriate entry and a toilet, washbasin and drinking fountain which the minor can utilize without personal assistance."

Section 13-201(c)6B(10) — Revise the title to read ". . . health care housing and treatment space."; and revise the second line to read ". . . housing and treatment of ill . . ."; and revise the tenth line to read "... Treatment spaces and the medical care housing. . .".

Section 13-201(c)8 — Revise the second line of the second paragraph to read ". . . compliance shall enhance, be equal to, or . . ."; and insert a new item (g).

3. (BOC 01/02) Approval of minimum standards for local facilities, CCR, Title 24, Part 1. Approved by the California Building Standards Commission on July 16, 2003, and filed with the Secretary of State on July 18, 2003. Effective August 17, 2003.
4. (BOC 01/04) Part 1, Chapter 13, Sections 13-102(a); 13-102(c)l; 13-102(c)3; 13-102(c)6; 13-102(c)7; 13-102(c)8.

13-102(a) — Definitions. Add a definition for "Contact," "Inmate worker," "Jail," "Law enforcement facility," "Lockup," "Nonsecure custody," "Secure detention," "Supervision in law enforcement facility," "Temporary custody" and "Exercise."

Revise "health authority" for clarity. Revise "local detention facility" to add the term "and minors" for clarity.

The term "herein" and "CCR" were deleted from the definition of "rated capacity."

Revise "managerial custodial personnel" for clarity.

Add new definition for "security glazing" to help define the adult regulation requirements.

The term "his or her" is being replaced with the term "his/her" in the definition of "Type I Facility."

13-102(c)1 — Letter of Intent + Revise regulation to provide consistent terminology when referring to a "city," "county" or "city and county."

13-102(c)3 — Program Statement — Retitled regulation to include "Operational" in the title heading to read as follows: "Operational Program Statement."

13-102(c)6 — Design Requirements — This modification will require floor drains to be added to hair care spaces.

13-102(c)7 — Pilot Projects — Replaces existing text in Title 24 with language from Title 15.

13-102(c)8 — Alternate Means of Compliance — Describes the process for applying, monitoring and approving alternate means of compliance.

5. (CSA 01/06) Part 1, Chapter 13, 13-201. Approved by the California Building Standards Commission on July 17, 2008, filed with the Secretary of State on October 21, 2008, and effective 30 days after filing with the Secretary of State.
6. (CSA 01/10) Part 1, Chapter 13, 13-102. Approved by the California Building Standards Commission on October 19, 2011, filed with the Secretary of State on October 21, 2011, and effective 30 days after filing with the Secretary of State.

13-102(a) — Definitions. Add a definition for "Corrections Standards Authority," "Clinical Evaluation," "Concept Drawings," "Design-Bid-Build," "Design-Build," "Facility Watch Commander," "Performance Criteria," "Preliminary Drawings," "May" and "Working Drawings."

Modify definitions of "Law Enforcement Facility," "Local Detention System," "Rated Capacity," Remodel," "Safety Checks" and "Secure Custody."

Delete the following definitions: "Inmate Worker," "Licensed Health Personnel" and "Manager, Custody Personnel."

13-102(b) — In all locations showing "Board," replace with "Corrections Standards Authority."

13-102(c)3 — Amend text and add new item x

13-102(c)5 — Amend section to show two items.

13-102(c)6 — Amend text to add new item 'h' and modify existing item 'c'.

13-102(c)6 — Revise item 14 and add new item 15.

13-102(c)8 — Add new text to end of section.

7. (CSA 01/12) Renamed as the Board of State and Community Corrections (BSCC).

Chapter 13, Section 13-201(a) Approved by the California Building Standards Commission on January 23, 2013, filed with the Secretary of State on January 28, 2013, and effective 30 days after filing with Secretary of State.

13-201(a) – Definitions. Change all "Correction Standards Authority" phrases and "CSA" acronyms to "Board." Change all "minor" and "minor's" phrases to "youth" where occurs.

Add new definitions as follows: "Clergy," "Concept Drawings," "Design-Bid-Build," "Design-Build," "Exigent," "Gender Identity," "Non-School Day," "Performance Criteria," "Separation," "Sexual Orientation," "Special Visits," Transgender Youth."

Modify existing definitions as follows: "Contraband" – added to the last sentence "or violate facility rules." "DNA" – Corrected the spelling of "Deoxyribonucleic." "504 Plan" – Strike language referring to Federal Rehab. Act of 1973 and added clarification language. Revised the entire definition of "Individual Education Program (IEP)" – Added reference to Education Code and clarification language.

"Living Unit" – Strike "by any permanent or temporary barrier" and add "in any way." Change title of "New Generation Design" to the new title of "Podular Design."

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Remove the following definitions: “Intensive Supervision Unit,” “Licensed Health Care Personnel,” and “Minimum Standards for Local Detention Facilities.”

Modify “Use of Force” – sub-section 3. Operational program statement, added clarifying language regarding design- build construction projects and the operational program needs. Sub-Section 5. Submittal of plans and specifications, clarifying language. Sub-section 6. Design requirements, added ref. to Title 24 and the State Fire Marshal for sub-number 1. Fire safety and added clarifying language in items ‘c’ and ‘h.’ Sub-number 3. Health and sanitation, ref. to Retail Food Code was added. Sub-number 6. Heating and cooling, clarifying language and removed ref. to Part 6 Energy Code. Sub-number 11. A new sentence was added regarding sewage system design.

8. 2016 Intervening Cycle Supplement (BSCC 01/16) adopted by the California Building Standards Commission on June 20, 2017, filed with the Secretary of State on August 17, 2017, effective 30 days after filing.
9. Erratum to correct editorial corrections to Chapter 13, Section 13-201(c)(2)(A): effective January 1, 2020.
10. (BSCC 01/22) Amend Chapter 13, Section 13-102. Approved by the California Building Standards Commission on June 27, 2023, filed with the Secretary of State on June 30, 2023, and effective on July 1, 2024.

CHAPTER
14

ADMINISTRATIVE REGULATIONS FOR THE DEPARTMENT OF EDUCATION (DOE)

(RESERVED)

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CHAPTER 15.1

ADMINISTRATIVE REGULATIONS FOR THE DEPARTMENT OF CONSUMER AFFAIRS (CA) BOARD OF ACCOUNTANCY

(RESERVED)

CHAPTER 15.2

ACUPUNCTURE EXAMINING COMMITTEE

(RESERVED)

CHAPTER 15.3

DIVISION OF ALLIED HEALTH PROFESSIONS

(RESERVED)

CHAPTER 15.4

BOARD OF ARCHITECTURAL EXAMINERS

(RESERVED)

CHAPTER 15.5

ATHLETIC COMMISSION

(RESERVED)

CHAPTER 15.6

AUCTIONEER COMMISSION

(RESERVED)

CHAPTER 15.7

BUREAU OF AUTOMOTIVE REPAIR

(RESERVED)

CHAPTER 15.8

BOARD OF BARBER EXAMINERS

(RESERVED)

CHAPTER 15.9

BOARD OF BEHAVIORAL SCIENCE EXAMINERS

(RESERVED)

CHAPTER 15.10

CEMETERY BOARD

(RESERVED)

CHAPTER 15.11

BUREAU OF COLLECTION AND INVESTIGATIVE SERVICES

(RESERVED)

CHAPTER 15.12

CONTRACTORS' STATE LICENSE BOARD

(RESERVED)

CHAPTER 15.13

BOARD OF COSMETOLOGY

(RESERVED)

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CHAPTER 15.14

BOARD OF DENTAL EXAMINERS

(RESERVED)

CHAPTER 15.15

BUREAU OF ELECTRONIC AND APPLIANCE REPAIR

(RESERVED)

CHAPTER 15.16

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

(RESERVED)

CHAPTER 15.17

BOARD OF REGISTRATION FOR GEOLOGISTS AND GEOPHYSICISTS

(RESERVED)

CHAPTER 15.18

BOARD OF GUIDE DOGS FOR THE BLIND

(RESERVED)

CHAPTER 15.19

HEARING AID DISPENSERS EXAMINING COMMITTEE

(RESERVED)

CHAPTER 15.20

BUREAU OF HOUSEHOLD GOODS AND SERVICES

(RESERVED)

CHAPTER 15.21

BOARD OF LANDSCAPE ARCHITECTS

(RESERVED)

CHAPTER 15.22

BOARD OF MEDICAL QUALITY ASSURANCE

(RESERVED)

CHAPTER 15.23

BOARD OF NURSING HOME ADMINISTRATORS

(RESERVED)

CHAPTER 15.24

BOARD OF OPTOMETRY

(RESERVED)

CHAPTER 15.25

BUREAU OF PERSONNEL SERVICES

(RESERVED)

CHAPTER 15.26

BOARD OF PHARMACY

(RESERVED)

CHAPTER 15.27

PHYSICAL THERAPY EXAMINING COMMITTEE

(RESERVED)

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CHAPTER 15.28

PHYSICIAN'S ASSISTANT EXAMINING COMMITTEE

(RESERVED)

CHAPTER 15.29

BOARD OF PODIATRIC MEDICINE

(RESERVED)

CHAPTER 15.30

BOARD OF POLYGRAPH EXAMINERS

(RESERVED)

CHAPTER 15.31

BOARD OF PROFESSIONAL ENGINEERS

(RESERVED)

CHAPTER 15.32

PSYCHOLOGY EXAMINING COMMITTEE

(RESERVED)

CHAPTER 15.33

BOARD OF REGISTERED NURSES

(RESERVED)

CHAPTER 15.34

RESPIRATORY CARE EXAMINING COMMITTEE

(RESERVED)

CHAPTER 15.35

BOARD OF CERTIFIED SHORTHAND REPORTERS

(RESERVED)

CHAPTER 15.36

SPEECH PATHOLOGY AND AUDIOLOGY EXAMINING COMMITTEE

(RESERVED)

CHAPTER 15.37

STRUCTURAL PEST CONTROL BOARD

(RESERVED)

CHAPTER 15.38

TAX PREPARERS PROGRAM

(RESERVED)

CHAPTER 15.39

BOARD OF EXAMINERS IN VETERINARY MEDICINE

(RESERVED)

CHAPTER 15.40

BOARD OF VOCATIONAL NURSE AND PSYCHIATRIC TECHNICIAN EXAMINERS

(RESERVED)

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CHAPTER
16 CALIFORNIA STATE LIBRARY

ARTICLE 1—SCOPE

16-101. Application. These regulations apply to public library projects for which funds have been granted under the Library Construction and Renovation Bond Act of 1988, Proposition 85 (1988), Education Code Sections 19950-19981.

Authority: Education Code Section 19960.

Reference: Education Code Sections 19957 and 19961.

ARTICLE 2—DEFINITIONS

16-201. Definitions. In this chapter, the following definitions apply:

PROJECT means the construction or renovation project for which an application has been approved by the Board.

Authority: Education Code Section 19960.

Reference: Education Code Sections 19957 and 19961(c).

BOND ACT means the California Library Construction and Renovation Bond Act of 1988, Proposition 85 (1988), Education Code Sections 19950-19981.

Authority: Education Code Section 19960.

Reference: Education Code Section 19950.

BOARD means the California Library Construction and Renovation Board.

Authority: Education Code Section 19960.

Reference: Education Code Section 19952(c).

FACILITY means a building used for public library service and operated or intended to be operated by a jurisdiction under authority of an Education Code provision to provide public library service. The owner of a facility may be a jurisdiction other than the operator of the facility.

Authority: Education Code Section 19960.

Reference: Education Code Section 19957.

INITIATOR means a description of a proposed change order together with a request for a cost estimate for the change order, prepared for transmission to the contractor by the project architect or similar official representing the owner. An "initiator" is sometimes referred to as a "bulletin."

Authority: Education Code Section 19960.

Reference: Education Code Sections 19957, 19962 and 19965.

STATE LIBRARIAN means the State Librarian or a duly authorized representative of the State Librarian.

Authority: Education Code Section 19960.

Reference: Education Code Section 19960.

ARTICLE 3—ADMINISTRATION AND ENFORCEMENT

16-301. Local responsibility for plan checking and inspection. The local building official of the jurisdiction responsible for the site upon which the facility is located is responsible for routine plan checking and on-site inspections for compliance with local building codes, regulations and requirements.

Authority: Education Code Section 19960.

Reference: Education Code Section 19958(b).

16-302. Required submissions to the state librarian before putting a project to bid.

(a) No project shall receive Bond Act funds if it has been put to bid before the State Librarian has reviewed and approved, in sequence, the following submissions of design and fiscal documents:

1. The building program, schematic designs and outline specifications, and a current project budget.
2. Preliminary plans and specifications (also known as 100 percent design development documents), and a current project budget.
3. Working drawings and specifications and contract language (also known as construction documents or contract documents), and a current project budget. This submission shall be prior to the local plan check.
4. Any revisions to the approved set of schematic designs, preliminary plans, or any revisions to the approved set of working drawings, specifications and contract clauses, including any resulting from the local plan check if they affect library operations or project scope.

(b) Projects which, at the time of approval of their application by the Board, have completed any of the design documents in the preceding subsection, shall after approval of the application submit the building program and the most current set of design documents to the State Librarian for the required review, in the number of copies specified by the State Librarian. Earlier versions need not be submitted.

Authority: Education Code Section 19960.

Reference: Education Code Section 19960.

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Exception: Submission requirements shall differ from those in the preceding section for the designs of the following projects:

1. Projects solely for energy conservation shall submit an energy audit by a qualified engineer or architect, instead of a building program.
2. Projects whose total cost is less than $200,000, including any contiguous work not included in the approved project, shall omit the submission of the preliminary plans and specifications.
3. Projects governed by this section shall provide all other required submissions.

Authority: Education Code Section 19960.

Reference: Education Code Section 19957.

16-303. Notification of submission dates. Grantees shall periodically provide the State Librarian an amended schedule of dates when the required initial submissions of building programs and schematic, preliminary and working drawings will be made. Submissions received within twenty-two (22) working days of the date specified on the most recent amended schedule received from the grantee at least thirty (30) working days prior to the submission shall be reviewed within the time periods specified in this Article.

Authority: Education Code Section 19960.

Reference: Education Code Sections 19957 and 19960.

16-304. Time period for review of submissions prior to bid.

(a) The State Librarian shall review:

1. The initial submission of building programs, schematic drawings and outline specifications, and current project budget within fifteen (15) working days after receipt.
2. The initial submission of preliminary plans and specifications, and current project budget within fifteen (15) working days after receipt.
3. The initial submission of working drawings, specifications and contract clauses within thirty (30) working days after receipt.

(b) The State Librarian shall approve any required resubmissions or any changes to approved designs and documents prior to bid, within five (5) working days after receipt.

(c) If the submission is received more than twenty-two (22) working days earlier or later than the date specified on the most recent amended schedule received from the grantee at least thirty (30) working days prior to the submission, the State Librarian may extend the review period for that submission by ten (10) working days.

(d) Following the time period for review, the State Librarian shall either approve the submission or notify the submitter of the deficiencies that are to be corrected. If the State Librarian does neither, the submission is approved as submitted.

Authority: Education Code Section 19960.

Reference: Education Code Section 19960.

16-305. Change orders.

(a) Following local award of the construction contract for the project, the grantee shall submit to the State Librarian a copy of each initiator, regardless of its nature, no later than the same time it is forwarded to the contractor.

(b) The State Librarian shall, within three working days of receipt of the initiator, review all initiators that if issued as change orders would:

1. Affect library operations, including but not limited to work that affects the location or number of any bookstacks, storage shelving, doorways or direction of swing of doors, paths of travel and circulation, access to any library equipment, materials and services, or use of spaces. Any such initiators shall be accompanied by a statement by the local library director describing how the change will be accommodated in the operational program following completion of the construction; or,
2. Change the scope of the project, including the project budget if the change would reduce the local contribution to the project.

(c) Upon receipt of any initiator requiring review in accordance with the preceding subsection, the State Librarian shall:

1. Approve the change order; or,
2. Return the initiator for resubmission, for a specified reason, in which case the resubmission will be reviewed within three days of its receipt; or,
3. Notify the submitter than an additional period not to exceed five days will be required to gather specified additional information. No further additional time shall be taken for this reason.

(d) If the State Librarian does not act in accordance with the preceding subsection, the change order may be issued as submitted.

(e) All other change orders may be issued without the State Librarian's approval.

Authority: Education Code Section 19960.

Reference: Education Code Sections 19957, 19962 and 19965.

16-306. Review of building programs, schematic designs, specifications and budget. The State Librarian shall review and approve building programs, schematic designs, outline specifications and the current project budget to ensure that:

(a) The building program conforms to general principles of library planning as included in Nolan Lushington, Libraries Designed for Users (1979); Raymond Holt, Wisconsin Library Building Handbook (1978); Aaron Cohen, Designing and Space Planning for Libraries (1979), or similar standard public library planning works, and as supplemented by subsequent standard journal literature on changing concepts of library service.

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(b) The schematic designs and outline specifications appropriately interpret the building program, provide functional arrangements and a practical design.

(c) The current project budget is appropriate to the approved program and to the schematic designs and outline specifications.

Authority: Education Code Section 19960.

Reference: Education Code Section 19957.

16-307. Review of preliminary plans, specifications and budget. The State Librarian shall review and approve preliminary plans and specifications and the current project budget to ensure that:

(a) The preliminary plans carry out the approved schematic design concepts without significant change.

(b) The support systems are appropriate to meet program requirements, accessible and reasonably laid out.

(c) There are no obvious code compliance problems.

(d) The current project budget is appropriate to the approved program and to the preliminary designs.

Authority: Education Code Section 19960.

Reference: Education Code Section 19957.

16-308. Review of working drawings, specifications, budget and contract language. The State Librarian shall review and approve working drawings and specifications, the current project budget, and contract language to ensure that:

(a) The systems and design are compatible with the programmatic needs of the library and the requirements of the State Building Code.

(b) The design reflects prudent principles of public works buildings design and good construction practice.

(c) The systems in the design documents are well coordinated.

(d) The current project budget is appropriate to the approved program and to the working drawing designs.

(e) The construction contract provides for all relevant requirements of the Bond Act, of the regulations adopted under authority of Education Code Section 19960, and of the project documents.

Authority: Education Code Section 19960.

Reference: Education Code Section 19957.

16-309. Arbitration if fail to agree on comments.

(a) If the grantee and the State Librarian cannot agree on disposition of comments by the State Librarian at any of the reviews by the State Librarian, the State Librarian shall provide to the grantee a list of three experts qualified in the appropriate discipline. The experts shall not have previously been involved with the project. The grantee shall choose one of them to decide the issue, and shall pay the expert's costs and customary fees. The expert's decision shall be binding on both parties.

(b) If the issue relates to code interpretation, its disposition shall use the jurisdiction's local code appeals process.

Authority: Education Code Section 19960.

Reference: Education Code Section 19957.

16-310. Bookstacks.

(a) No bookstacks may be installed, remodeled or moved until the State Librarian has reviewed and approved in sequence the following:

1. Specifications for the bookstacks, which implement the standards in Part 2 of the State Building Code, and
2. The local review of the contractor's calculations showing that the installation meets the specification.

This requirement applies to bookstacks to be installed, remodeled or moved in any project receiving Bond Act funds. It also applies both to bookstacks included in the local construction contract and to bookstacks contracted for separately from the local construction contract, but installed within one year of the completion of the local construction contract.

(b) The grantee or its successor in interest shall ensure that any bookstacks installed, moved or remodeled in any project during the twenty (20) years following acceptance of the project by the local jurisdiction having title to the facility conform to the specifications for library bookstacks in the State Building Code applicable to the project at the time of project completion.

Authority: Education Code Section 19960.

Reference: Education Code Sections 19957(f) and 19967(a).

16-311. Floor loads. If any floor areas in a project are adjacent to bookstacks and are potentially available for future installation of bookstacks, even if not originally so intended, those areas shall conform to the same floor load standards as required for the bookstacks.

Authority: Education Code Section 19960.

Reference: Education Code Section 19957.

16-312. Remodeling.

(a) Remodeling and renovation of public library facilities constructed prior to 1973 shall conform to the *Uniform Building Code* requirements for remodeling, except that:

1. Remodeling and renovation of facilities classified as qualified historical buildings or structures under Health and Safety Code Section 18955 shall meet the requirements of the *State Historical Building Code* instead of the requirements of the *Uniform Building Code.*

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2. Remodeling or renovation projects that include unreinforced masonry shall conform to Chapter 1 of the Appendix to the *Uniform Code for Building Conservation,* 1987. If a jurisdiction with a remodeling or renovation project that includes unreinforced masonry has adopted a local earthquake hazard mitigation program that requires strengthening such structures, the jurisdiction may instead follow its local program.

(b) Remodeling and renovation of public library facilities constructed in 1973 or later, or parts of public library facilities, shall for the facility, or each respective part of a facility, conform to the codes in effect at the time of original construction for the facility or for the respective part. If the remodeling and renovation is for a facility that had previously been remodeled, or for one or more parts that had previously been remodeled, and such previous remodeling required that the facility or respective parts of the facility were brought up to the code in effect at the time of previous remodeling, then the remodeling funded by Bond Act moneys shall conform to the code in effect at the time of previous remodeling rather than the code in effect at the time of original construction of the respective parts of the facility.

Authority: Education Code Section 19960.

Reference: Education Code Section 19957.

16-313. Access to construction and records. The grantee shall provide the State Librarian reasonable access to the construction site and to project records.

Authority: Education Code Section 19960.

Reference: Education Code Section 19960.

ARTICLE 4—FEES

16-401. Project administration fee.

(a) For purposes of this section, "project cost" means the entire cost of a project, paid by state and local funds combined, including the cost of bookstacks whether or not in the construction contract, and of furnishings if credited under Education Code Section 19962 (d), but excluding the cost of land acquired under Education Code Section 19957(b) or the value of land donated or otherwise acquired and credited to the project under Education Code Section 19962(c).

(b) The State Librarian may charge a project administration fee for each project of one-half of one percent (.5%) of project cost.

Authority: Education Code Section 19960.

Reference: Education Code Sections 19957, 19960 and 19962.

16-402. Allowable fees and costs as allowable bond act costs. Any fees or costs authorized in this Division, including work required to meet Title 24 requirements, may be included in Bond Act project costs. Costs of resolving a code interpretation dispute with the local building official may not be included in Bond Act costs.

Authority: Education Code Section 19960.

Reference: Education Code Sections 19957(g) and 19958(b)(4).

HISTORY:

1. (DOE-A 1/89) Adopt CCR, Title 24, Part 1, Chapter 16, effective 12-1-89. Approved by the Building Standards Commission 10-30-89.

ARTICLE 5—CALIFORNIA READING AND LITERACY IMPROVEMENT AND PUBLIC LIBRARY CONSTRUCTION AND RENOVATION BOND ACT OF 2000

Article 5.1. Scope.

16-510. Applicability. These regulations apply to public library projects for which funds have been granted under the California Reading and Literacy Improvement and Library Construction and Renovation Bond Act of 2000. Education Code Sections 19985-20011.

Authority: Education Code Section 19992.

Reference: Education Code Sections 19989 and 19993.

Article 5.2. Definitions.

16-520. Definitions. In this chapter, the following definitions apply:

ADDENDUM—a description of a proposed change to the approved plans or specifications prior to bid for construction.

ADDITION—a project that increases the floor area of enclosed space of an existing building. Addition also means expansion.

ARCHITECT—an architect holding a valid license under Chapter 3, Division 3, of the *California Business and Professions Code*.

ASSIGNABLE SQUARE FOOTAGE—the usable space within the defining walls of the building assigned to furniture and equipment but does not include any nonassignable space.

BOARD—the California Public Library Construction and Renovation Board.

BOND ACT—the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000, Education Code, Sections 19985-20011.

BUILDING CODE—the *California Building Standards Code*, Title 24, California Code of Regulations.

CHANGE ORDER—a description of a proposed change, together with a cost estimate for the change order, prepared for transmission from the contractor to the project architect or similar official representing the owner.

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CONSTRUCTION COST ESTIMATOR—an individual who has had responsibility for five or more construction project cost estimates in excess of $1,000,000 each within the previous 10 years prior to the Board's application deadline.

CONSTRUCTION SPECIFICATIONS INSTITUTE, or CSI—a technical association providing product and specification information to its members.

DESIGN DOCUMENTS—plans, specifications and all other documents appropriate for the design phase of a project.

DIVISION OF THE STATE ARCHITECT, or **DSA**—the Division of the State Architect, Department of General Services, State of California.

FACILITY—a building used for public library service and operated or intended to be operated by a local jurisdiction to provide public library service. The owner of a facility may be a jurisdiction other than the operator of the facility.

FENESTRATION—the arrangement, proportioning and design of exterior and interior windows, clerestories, skylights, window walls and doors in a building.

GROSS SQUARE FOOTAGE—the entire area of the building interior including the exterior wall thickness. The total of the assignable square footage and the nonassignable square footage equals the gross square footage.

LIBRARY BUILDING PROGRAM—the planning document that describes the space requirements and all other general building considerations required for the design of a public library building.

NONASSIGNABLE SPACE—utility areas of a building required for the function of the building, including stairways; elevators; corridors and interior walkways; public lobbies; restrooms; duct shafts; mechanical rooms; electrical closets; telecommunications closets for voice, data, electrical, security and fire systems; janitor's closets; fireplaces; interior and exterior wall thickness; and exterior amenities that are part of the building but not enclosed, such as loading docks and covered patios, porches and walkways.

PLANS—the architectural and engineering drawings associated with a project such as, but not limited to, vicinity maps, site plans, foundation plans, floor plans, reflected ceiling plans, roof plans, cross sections, interior elevations, exterior elevations and details.

PROFESSIONAL ENGINEER—an engineer holding a valid certificate under Chapter 7, Division 3, of the *California Business and Professions Code*, in that branch of engineering that is applicable.

PROJECT—the construction, renovation and/or addition project for which an application has been awarded a grant by the Board.

READERS' SEATS—all seating in the library available for the public of all ages to use while reading print materials (i.e., lounge seating, benches, floor cushions, seating at tables, carrels and study counters). Readers' seats do not include technology workstations.

REMODELING, REHABILITATION AND RENOVATION—a construction change within, or to, an existing building.

STATE LIBRARIAN—the California State Librarian or a duly authorized representative of the State Librarian.

STATE LIBRARY—the California State Library.

STATE LIBRARY PLANS REVIEW FORM—the form used by California State Library staff to comment on each design phase plan submittal. (See Appendix.)

TECHNOLOGY WORKSTATIONS—workstations in the library of any form (e.g., tables, carrels, counters, office systems) available for the public of all ages to use while operating any kind of library provided electronic or audiovisual technology [i.e., personal computers, computer terminals, online public access computers (OPAC's), audio and video units, ADA adaptive technology and microform readers].

Authority: Education Code Section 19992.

Reference: Education Code Sections 19985, 19986(c), 19989, 19992, 19995 and 19997.

Article 5.3 Administration and enforcement. All library bond act projects.

16-530. Local responsibility for permitting, plan checking and construction inspections.

Local building official responsibilities. The local building official of the jurisdiction responsible for the site upon which the facility is located is responsible for routine plan checking and on-site inspections for compliance with state and local building codes, regulations and requirements.

Authority: Education Code Section 19992.

Reference: Education Code Section 19992.

Article 5.4. Administration and enforcement. All library bond act projects, including all joint use projects.

16-540. Required submission to the State Librarian before putting a project to bid.

(a) **State Librarian review and accept before bid.** No project awarded Library Bond Act funds shall be put to bid before the State Librarian has reviewed and accepted, in sequence, the submissions of design documents and final cost estimate as set forth in Section 16-542.

(b) **Projects that have completed any of the design documents at grant award not required to submit earlier versions.** Projects that, at the time of approval of their application by the Board, have completed any of the design documents in Section 16-542 shall, after grant award, submit a copy of the final library building program and the most current set of design documents to the State Librarian for the required review. Earlier versions need not be submitted.

Authority: Education Code Section 19992.

Reference: Education Code Section 19993.

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16-541. Timetable for architectural and engineering plans and specifications review and acceptance.

(a) **Conceptual plans and outline specifications review.** Conceptual plans shall be returned to the grant recipient within 15 working days after the grant award by the Board.

(b) **State Librarian plans review.** The State Librarian shall review and accept:

1. **Schematic design plans and specifications review.** The review period for schematic documents [See Section 16-542(h)] is 15 working days after receipt.
2. **Design development plans and specifications review.** The review period for design development documents [See Section 16-542(i)] is 21 working days after receipt.
3. **Construction documents and specifications review.** The review period for construction documents [see Section 16-542(j)] is 30 working days after receipt.
4. **Final review of construction documents.** The review period for final construction documents [see Section 16-542(k)], before going to bid, is five working days after receipt. Final review shall occur after all local jurisdictional approvals have been obtained.

(c) **Revision to previously accepted set of design documents.** The State Librarian shall review and accept, within 10 working days after receipt, any revisions to a previously accepted set of design documents, including any revisions resulting from the local plan check, that affect the following:

1. **Alter use of space.** Alter the proposed use of all or part of the library building;
2. **Change square footage of space.** Change the square footage by 10 percent or more of a building space identified in the grant recipient's building program, and in the most recently accepted set of design documents;
3. **Decrease library components.** Decrease the number of collections, readers seats, technology workstations, staff workstations and offices, meeting room seating by more than 10 percent;
4. **Change in building systems with negative impacts.** Change the lighting, power or data distribution systems in a manner that negatively impacts the use of the building, furniture and equipment by the public or staff;
5. **Modify access compliance.** Modify access compliance from most recently accepted set of design documents;
6. **Functional layout.** Change the layout of the library furniture and equipment in a way that negatively affects the functional operation of the facility as a library.

(d) **State Librarian acceptance.** Following the time period for review, the State Librarian shall either accept or notify the grant recipient of the deficiencies that are to be corrected. If the State Librarian does neither, the submission is accepted as submitted.

(e) **Plans and specifications submittal review period extension.** The State Librarian may extend the plans review period up to 15 additional working days if potential design or construction defects are identified in the plans and specifications. A letter of notification of the additional 15 working day review period will be sent to the grant recipient.

Authority: Education Code Section 19992.

Reference: Education Code Sections 19989 and 19993.

16-542. Submittal requirements for architectural and engineering plans and specifications review and acceptance.

(a) **Address for plans submittal.** The address for plans submittal shall be:

Library Bond Act Manager
Office of Library Construction
California State Library
1029 J Street, Suite 400
Sacramento, CA 95814-2825

(b) **State Librarian review and acceptance of architectural and engineering plans.** The State Librarian shall review and accept, in sequence, the final library building program, the architectural and engineering plans, and the construction cost estimates. For each submittal of schematic plans, design development plans and construction documents, the grant recipient shall submit to the California State Library, the following:

1. Number of sets of plans required. Four sets of plans and specifications; and
2. One copy of all supporting documents required. One copy of all other documentation as designated in this section for each design phase.

(c) **Sheet numbering.** All plan sheets shall be identified by a sheet number and shall be cross-referenced. Sheet numbers shall also correspond to a sheet index on the title sheet.

(d) **Preliminary, detailed and final construction cost estimates.** An independent, professional construction cost estimator who is not an employee of the grant recipient or library service provider shall provide the preliminary construction cost estimate for the schematic design plans and specifications review, the detailed construction cost estimate for the design development plans and specifications review, and the final construction cost estimate for the construction documents and specifications review. All estimates shall be priced out at the current market conditions prevailing at the time the plans and specifications are submitted to the State Library.

(e) **Incomplete submittals.** If the State Library determines that any design plan submittal is incomplete or incorrect, the grant recipient will be notified of the missing or incorrect documents within five days of receipt of the submittal. The time period for State Librarian review will not begin until the missing or corrected documents are submitted to the State Library.

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(f) **State Library plans review form.** In response to any design phase review, State Library comments shall be documented on a State Library Plans Review Form (see Appendix) and returned to the grant recipient. The grant recipient shall address each State Library comment on the plans or specifications, making appropriate changes and noting on the State Library Plans Review Form each change made and where it can be found on the drawings or in the specifications. The grant recipient shall return one copy of this revised form to the State Library at the next required design phase submittal.

(g) **Conceptual plans and outline specifications review.** Conceptual plans and outline specifications previously submitted with an application shall be sent with State Library comments to the grant recipient. The grant recipient shall incorporate these comments into the schematic design plans and specifications.

(h) **Schematic design plans and specifications review.** The grant recipient shall provide the following:

1. **Final library building program.** A final library building program.
2. **Preliminary code information.** Preliminary code information documented on the title sheet of drawings including occupancy, construction type, site and building access, any applicable seismic and energy provisions, planning and environmental compliance information, and any other code applications to specific project conditions.
3. **Site plan.** A site plan showing the library building, parking (including number of spaces and location of accessible parking), and trees or other features that must remain in their original locations, and access drives as well as any anticipated future expansion of the building and parking. The site plan shall have a north arrow. Property lines shall be shown clearly as determined by the boundary survey completed as part of the grant application.
4. **Floor plans.** Floor plans of the spaces listed in the library building program and identified by the area/space name assigned in the library building program. Show all columns and identify all functional areas, including all nonassignable spaces.
5. **Furniture and equipment plan.** A furniture and equipment plan that identifies all furniture and equipment based on the library building program. The furniture and equipment plan shall be a computer-generated drawing, drawn to scale. Show all columns and coordinate with the floor plan. Show critical dimensions for the following: overall dimensions, dimensions between columns, dimensions for exiting and access compliance, and other dimensions that demonstrate the required quantity of furniture and equipment will fit into the proposed building, and allow for full code compliance and functioning of the facility.
6. **Assignable square footage tabulation.** A tabulation of the assignable square footage for each area called for in the final library building program compared to the assignable square footage shown on the floor plan.
7. **Collection tabulation.** A tabulation of the number of books, magazines and audiovisual materials called for in the library building program compared to the number of books, magazines and audiovisual materials that can be housed given the proposed furniture and equipment plan. The tabulation shall also provide the conversion factors utilized (books per double-faced unit, or books per linear foot).
8. **Technology workstations tabulation.** A tabulation of the number of technology workstations by area called for in the library building program compared to the number of technology workstations shown on the furniture and equipment plan.
9. **Readers' seats tabulation.** A tabulation of the number of readers' seats by area called for in the library building program compared to the number of readers' seats shown on the furniture and equipment plan.
10. **Exterior elevations.** Elevations of all four sides of the building showing general locations of openings, roof lines and grade lines.
11. **Roof plan.** A roof plan showing roofing material, roof slope and direction of slope; roof overhangs and major elements and their relationship to the exterior wall of the building.
12. **Building sections.** Two sections through the building, one longitudinal and one latitudinal.
13. **Engineering plans and specifications.**
    A. **Civil.** On-site and off-site utilities, fire protection, drainage, paving and grading.
    B. **Structural.** Basic structural materials and systems, analyses and development of design solutions.
    C. **Mechanical.** Energy source, heating, ventilating and air conditioning (HVAC), conservation, plumbing, fire protection and security systems.
    D. **Electrical.** Power, data, communication, lighting, fire and security systems, and general space requirements.
    E. **Landscape.** Conceptual design solutions for land forms, lawns and plantings based on program requirements, physical site characteristics, design and environmental objectives.
14. **Outline specifications.** Outline specifications describing the type and quality of building systems, basic components, and components unique to the project. Outline specifications for the engineering disciplines listed in Item 13, "Engineering plans and specifications" shall be included.
15. **Preliminary construction cost estimate.** A preliminary construction cost estimate consisting of a projected cost for the construction project based on the most recent schematic design studies, current and historic area, volume or other unit costs. The estimate shall include an assemblies (or CSI format) estimate summary.

(i) **Design development plans and specifications review.** The grant recipient shall provide the following:

1. **Site plan.** A site plan showing all buildings dimensioned from adjacent structures or other critical site features, datum elevations at all entries, street lines and grades, property lines, required setbacks, easements, parking, sidewalks, prelimi-

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nary site and exterior building lighting scheme with identification of fixture types, and routing of sewer, water, gas and other utilities, and site detailing showing typical external elements.

2. **Floor plans.** Floor plans showing complete functional layout, room designations, all major dimensions, all critical dimensions and all columns.
3. **Exterior elevations.** Elevations showing full-height facades, type and extent of exterior finishes, all openings including fenestration and overall vertical building heights related to established building datum. Indicate treatment of visible mechanical equipment and abutting topography and grade relationship.
4. **Roof plan.** A roof plan delineating roofing materials, direction and slope of roof; relationship of exterior wall to roof, overhangs and covered areas; mechanical equipment areas and screening; and location and major dimensions for major roof elements.
5. **Building sections.** Two building sections (one longitudinal and one latitudinal) showing the overall building solution with typical wall construction, foundation, parapet design, insulation methods, window, mechanical penetrations impact, relationship of various levels, floor to ceiling heights, and ceiling height and bookstack height coordination anticipating code-compliant fire sprinkler installation.
6. **Details.** Detail sheets showing key conditions, such as window and frame types, frame and door types, typical wall types and nontypical design-related detailing.
7. **Interior elevations.** Interior elevations showing typical and special spaces, and any built-in cabinetry or counter items. These drawings shall be of pre-final quality adequate to convey design intent. Basic dimensions shall be delineated, along with casework, counters and other built-ins, with heights and depths shown.
8. **Reflected ceiling plan.** Reflected ceiling plan integrated to show structural, mechanical and electrical impacts, including low voltage systems; e.g., security, audiovisual and public address system speakers.
9. **Schedules.** Schedules are to be nonrepetitive and comprehensive with keying to floor plans and elevations; pre-final interior finishes, frame and door, window and glazing, and preliminary hardware.
10. **Furniture, furnishings and equipment plan.** Furniture, furnishings and equipment plan with any special interior design features. Preliminary documentation of materials, finishes and colors.
11. **Signage schedule and plan.** Signage schedule and plan indicating the size, type and nomenclature of all interior signs.
12. **Assignable square footage comparison.** A tabulation of the assignable square footage for each area called for in the final library building program compared to the assignable square footage shown on the floor plan. Any changes from the accepted schematic plans shall be highlighted.
13. **Engineering plans and specifications.**
    A. **Civil.** Grading, drainage and preliminary details for on-site and off-site work.
    B. **Structural.** Basic structural system and dimensions, structural and foundation design criteria, and preliminary sizing of major structural components.
    C. **Mechanical.** Preliminary equipment and duct layout, approximate equipment sizes and capacities, required space for equipment, chases and clearance coordination with structural, acoustical and energy conservation measures and visual impacts.
    D. **Plumbing.** Preliminary plumbing lines routing within the building, point of entry of water, gas, storm drains, and sewer to building and preliminary details.
    E. **Electrical.** Electrical site plan. Preliminary lighting plan and fixture schedule, single line diagram, preliminary power, data, and communication plans, security and fire alarm plans, and low-voltage plans.
        (1) **Lighting system plan.** Lighting system plan overlaid on the furnishings, equipment and signage plan. Show all sources of artificial illumination with a legend that indicates the type of light fixture.
        (2) **Catalog "cut" sheets.** Catalog "cut" sheets for each lighting fixture showing the fixture configuration, type and lens. The cut sheets must be keyed to the legend on the plans for quick identification.
        (3) **Electrical and data distribution systems plan.** Electrical and data distribution systems plan overlaid on the furnishings, equipment and signage plan. Show all service panel boards, power outlets, telephone, data communication outlets and audiovisual outlets with a legend that indicates the type of outlets. Also include locations of book detection gates and security system components (surveillance cameras, motion and glass break detectors, magnetic door contacts and card access system readers), and public address system speaker locations.
    F. **Landscape.** Preliminary planting and irrigation plans with preliminary details.
14. **Draft specifications.** Draft specifications including comprehensive, abbreviated descriptions of size, character and quality of methods, materials and systems. Coordinate specifications with the drawings. Use Construction Specifications Institute (CSI) format with applicable section numbers. Include all engineering specifications, and special or supplementary conditions specific to the project.
15. **Detailed construction cost estimate.** A detailed construction cost estimate and summary shall be prepared updating and refining the preliminary construction cost estimate of the project. The following shall be shown: (1) a breakdown for each major area of construction work in CSI format; (2) all estimates shall include individual item unit costs (materials, labor and equipment); quantities and total quantity costs; (3) sales tax; general contractor's construction indirects (general condi-

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tions, overhead and profit); subcontractor's mark-ups shall be listed separately; (4) the estimate shall separate the project's building costs from site and utilities costs.

(j) **Construction documents and specifications review.** The grant recipient shall provide the following:

1. **Complete set of construction documents.** A complete set of construction documents including all drawings, and specifications, structural calculations and energy load calculations in accordance with the Building Code; and contract language, along with all other documentation required as part of the bid package. All building systems must be delineated fully to illustrate their proposed scope and functions.
2. **Final construction cost estimate.** A detailed final construction cost estimate and summary shall be prepared in CSI format, updating and refining the detailed construction cost estimate, including: (1) individual line items, unit costs (materials, labor and equipment); quantities and total quantity costs; (2) sales tax; general contractor's construction indirects (general conditions, overhead and profit); subcontractor's mark-ups shall be listed separately; and (3) the estimate shall separate the project's building costs from site and utilities costs.

(k) **Final review of construction documents.** Once the State Librarian has accepted the construction documents and all the local code compliance reviews have been completed, the grant recipient shall send to the State Library one final copy of stamped and signed plans and specifications, which will be used by contractors when providing their bids. All sheets of the plans shall be signed, as well as the specifications cover by the architect or appropriate engineer.

(l) **Access compliance.** Grant recipient, upon receipt of DSA approval, shall provide documentation of DSA Access Compliance approval for the project to the State Librarian. (See Access Compliance by the Division of the State Architect authority as cited in Government Code, Section 4450 et. seq., and the compliance procedures found in *California Building Standards Code*, Title 24, Code of Regulations, Part 1, Sections 5-101 et. seq.)

Authority: Education Code Section 19992.

Reference: Education Code Sections 19989 and 19993.

16-543. Bookstacks.

(a) **Bookstack installation acceptance.** No bookstacks may be installed, remodeled or moved until the State Librarian has reviewed and accepted in sequence the following:

1. **Specifications for the bookstacks.** Specifications for the bookstacks, which implement the standards in Volume 2 of the *California Building Code*; and
2. **Local review and approval of bookstack installation.** The local review and approval of the bookstack contractor's calculations showing that the installation meets the specification.

(b) **Requirement for bookstacks installed at a later date.** The requirement in Section 16-543(a) applies to bookstacks to be installed, remodeled or moved in any project receiving Library Bond Act funds. It also applies both to bookstacks included in the local construction contract and to bookstacks contracted for separately from the local construction contract, but installed within one year of the completion of the local construction contract.

(c) **Bookstack installation must meet specifications for 40 years.** The grant recipient or its successor in interest shall ensure that any bookstacks installed, moved or remodeled in any project during the 40 years following acceptance of the project by the local jurisdiction having title to the facility conform to the specifications for library bookstacks in the *California Building Code*.

Authority: Education Code Section 19992.

Reference: Education Code Sections 19989 and 19999(a).

16-544. Floor loads.

(a) **Standards for floor loads.** Implement the standards in Volume 2 of the *California Building Code*.

(b) **Floor load for adjacent areas to bookstacks.** If any floor areas in a project are adjacent to bookstacks and the bookstacks may expand to these adjacent areas, even if not originally so intended, those areas shall conform to the same floor load standards as required for the bookstacks. (Refer to *California Building Code*, Volume 2.)

Authority: Education Code Section 19992.

Reference: Education Code Section 19989.

16-545. Renovations.

(a) **Public library renovation requirements.** Renovation of public library facilities shall conform to the *California Building Standards Code,* Title 24, California Code of Regulations requirements for renovation, except that:

1. **Renovation projects—*California Historical Building Code.*** Renovation of facilities classified as qualified historical buildings or structures under Health and Safety Code Section 18955 shall meet the requirements of the *California Historical Building Code* (Part 8) instead of the requirements of the California Building Standards Code, Title 24, *California Code of Regulations.*
2. **Renovation projects—*California Code for Building Conservation*.** Renovation projects that include unreinforced masonry shall conform to Part 10 of the *California Building Standards Code*, the *California Code for Building Conservation.*

Authority: Education Code Section 19992.

Reference: Education Code Section 19989.

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16-546. State Librarian acceptance of addenda and change orders.

(a) **Changes in accepted plans.** Changes of the accepted plans or specifications shall be made by means of an addendum or change order sent to the address specified in Section 16-542(a).

(b) **Addendum and change order types requiring State Librarian review.** A grant recipient shall submit to the State Librarian for review and acceptance addenda or change orders that would:

1. **Alter use of space.** Alter the proposed use of all or part of the library building;
2. **Change square footage of space.** Change the square footage by 10 percent or more of a building space identified in the grant recipient's building program, and in the final construction documents accepted by the State Librarian;
3. **Decrease library components.** Decrease the number of collections, readers' seats, technology workstations, staff workstations and offices, meeting room seating by more than 10 percent;
4. **Change in building systems with negative impacts.** Change the lighting, power or data distribution systems in a manner that negatively impacts the use of the building, furniture and equipment by the public or staff.
5. **Modify access compliance.** Modify access compliance from what was approved by Division of State Architect's Access Compliance unit.

(c) **Addendum and change order requirements.** Addenda and change orders shall state the reason for the change and the scope of work to be provided, and where necessary, supplementary drawings shall be furnished to clearly describe the change.

(d) **Acceptance of addenda or change orders.** Upon receipt of any addenda or change orders requiring review in accordance with the preceding subsections, the State Librarian shall, within three working days of receipt, review and:

1. **Accept.** Accept the addendum or change order; or
2. **Return for resubmission.** Return the addendum or change order, stating the reasons why it was not accepted, for revision or additional justification and resubmission.

(e) **Addenda or change orders issued as submitted.** If the State Librarian has not accepted or returned the addendum or change order within three working days, the addendum or change order may be issued as submitted.

(f) **All other project addenda and change orders.** All addenda or change orders not covered by Section 16-546(b) shall be issued without the State Librarian's review and acceptance.

Authority: Education Code Section 19992.

Reference: Education Code Sections 19989, 19995 and 19997.

16-547. State Access to construction and records.

Access to construction site and project records. The grant recipient shall provide the State Librarian reasonable access to the construction site and to project records.

Authority: Education Code Section 19992.

Reference: Education Code Sections 19992 and 19993.

Article 5.5. Fees.

16-550. Allowable fees and costs as allowable bond act costs.

Allowable project fees and costs. Any fees or costs authorized in these regulations pursuant to the Library Bond Act, including work required to meet *California Building Standards Code* requirements, may be included as eligible Library Bond Act project costs.

Authority: Education Code Section 19992.

Reference: Education Code Sections 19989 and 19990.

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APPENDIX—STATE LIBRARY PLANS REVIEW FORM

CALIFORNIA STATE LIBRARY
Office of Library Construction
1029 J Street, Suite 400
Sacramento, CA 95814

Facsimile: (916) 445-9200
E-mail: _____
Contact: _____

PAGE _____OF _____

[ ] CONCEPTUAL [ ] SCHEMATICS [ ] DESIGN DEVELOPMENT
[ ] CONSTRUCTION DOCUMENTS [ ]

PROJECT NAME: _____

PROJECT LOCATION: _____

STATE LIBRARY PROJECT NO: _____

#	REVIEW COMMENT	ACTION TAKEN	DATE

APPENDIX—STATE LIBRARY PLANS REVIEW FORM—continued

CALIFORNIA STATE LIBRARY
Office of Library Construction
1029 J Street, Suite 400
Sacramento, CA 95814

Facsimile: (916) 445-9200
E-mail: _____
Contact: _____

PAGE _____OF _____

#	REVIEW COMMENT	ACTION TAKEN	DATE

HISTORY NOTE APPENDIX FOR CHAPTER 16

Administrative Regulations for the State Librarian
California Code of Regulations, Title 24, Part 1

HISTORY:

The history notes for prior changes remain within the text of this code.

1. (SL 1/01) Part 1, Chapter 16, Article 5. Approved by the Building Standards Commission on November 28, 2001. Filed with the Secretary of State on December 4, 2001, effective January 3, 2002. Add Article 5 to Chapter 16 pertaining to the libraries funded pursuant to the Public Library Construction and Renovation Bond Act of 2000.
2. Erratum to correct History Note format in Chapter 16: effective January 1, 2020.

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